

# **LELAND TOWNSHIP ZONING ORDINANCE**

**Adopted July 8, 1996  
Effective August 17, 1996**

As Amended through  
**October 2016**

By Amendments:

1996-01 through 1996-07  
1997-01 through 1997-18  
1998-01 through 1998-03  
1999-01 through 1999-07  
2001-01 through 2001-02  
2002-01  
2004-01 through 2004-09  
2006-03 through 2006-05  
2007-01 through 2007-03  
2009-01 through 2009-03  
2013-01 through 2013-07  
2014-01 through 2014-02  
2015-01  
2016-01 and 2016-02

**Leland Township  
Leelanau County, Michigan**

# TABLE of CONTENTS

<u>Article and Section</u>		<u>Page</u>
	<b>PREAMBLE</b>	1-8
<b>ARTICLE 1:</b>	<b>TITLE, INTENT AND PURPOSE</b>	<b>1-8</b>
Section 1.01	Title	1-8
Section 1.02	Intent and Purpose	1-8
<b>ARTICLE 2:</b>	<b>DEFINITIONS</b>	<b>2-1</b>
Section 2.01	Construction of Language	2-1
Section 2.02	Definitions	2-2
<b>ARTICLE 3:</b>	<b>ADMINISTRATION, ENFORCEMENT, AND PENALTIES</b>	<b>3-1</b>
Section 3.01	Administration	3-1
Section 3.02	Duties of the Zoning Administrator	3-1
Section 3.03	Permit Procedures and Regulations	3-2
Section 3.04	Violations	3-4
Section 3.05	Penalties	3-5
Section 3.06	Performance Guarantee for Compliance	3-5
Section 3.07	Public Notice	3-7
Section 3.08	Registration to Receive Notice by Mail	3-8
<b>ARTICLE 4:</b>	<b>ZONING BOARD OF APPEALS</b>	<b>4-1</b>
Section 4.01	Intent and Purpose	4-1
Section 4.02	Creation and Membership	4-1
Section 4.03	Organization	4-1
Section 4.04	Jurisdiction	4-2
Section 4.05	Authorized Appeals	4-2
Section 4.06	Appeal Procedures	4-3
Section 4.07	Stay	4-5
Section 4.08	Review by Circuit Court	4-5
<b>ARTICLE 5:</b>	<b>PROCEDURES FOR AMENDMENTS</b>	<b>5-1</b>
Section 5.01	Purpose and Intent	5-1
Section 5.02	Initiation of Amendments	5-1
Section 5.03	Filing Fee	5-1
Section 5.04	Procedures	5-1
Section 5.05	Resubmittal	5-3
Section 5.06	Comprehensive Review of Zoning Ordinance	5-3
<b>ARTICLE 6:</b>	<b>PROCEDURES FOR SITE PLAN AND PLOT PLAN REVIEW</b>	<b>6-1</b>
Section 6.01	Purpose	6-1
Section 6.02	Approval of Site Plan or Plot Plan Required	6-1
Section 6.03	Data Required	6-2

Section 6.04	Site Plan Review Procedures	6-4
Section 6.05	Site Plan Approval Standards	6-5
Section 6.06	Preliminary Site Plan Review Option	6-6
Section 6.07	Conformity to Approved Site Plans	6-7
Section 6.08	Changes and Appeals	6-7
<b>ARTICLE 7:</b>	<b>PROCEDURES FOR SPECIAL LAND USES</b>	<b>7-1</b>
Section 7.01	Purpose and Intent	7-1
Section 7.02	Procedures for Special Land Uses	7-1
Section 7.03	Procedures for Planned Unit Developments	7-3
Section 7.04	Appeals	7-3
Section 7.05	Reapplication	7-4
Section 7.06	Amendments	7-4
<b>ARTICLE 8:</b>	<b>RESERVED FOR FUTURE USE</b>	<b>8-1</b>
<b>ARTICLE 9:</b>	<b>ZONING DISTRICTS AND MAP</b>	<b>9-1</b>
Section 9.01	Establishment of Districts	9-1
Section 9.02	Zoning District Map	9-1
Section 9.03	Replacement of Official Map	9-1
Section 9.04	Interpretation of District Boundaries	9-2
Section 9.05	Scope of Regulation	9-2
Section 9.06	Zoning of Vacated Areas	9-3
Section 9.07	Zoning of Filled Lands; Use of Water	9-3
Section 9.08	Conflicting Regulations	9-3
Section 9.09	Categories within Zoning Districts	9-3
Section 9.10	Schedule of Regulations	9-4
<b>ARTICLE 10:</b>	<b>CONSERVATION DISTRICTS</b>	<b>10-1</b>
Section 10.01	Agricultural Conservation District	10-1
	Intent	10-1
	Uses Permitted by Right	10-1
	Special Land Uses Permitted by Special Approval	10-1
	Site Development Requirements	10-2
<b>ARTICLE 11:</b>	<b>RESIDENTIAL DISTRICTS</b>	<b>11-1</b>
Section 11.01	Low Density Agricultural-Residential District	11-1
	Intent	11-1
	Uses Permitted by Right	11-1
	Special Land Uses Permitted by Special Approval	11-1
	Site Development Requirements	11-2
Section 11.02	Medium Density Lakeshore Residential District	11-2
	Intent	11-2
	Uses Permitted by Right	11-3
	Special Land Uses Permitted by Special Approval	11-3
	Site Development Requirements	11-3
Section 11.03	Medium Density Inland Residential District	11-3
	Intent	11-3
	Uses Permitted by Right	11-4
	Special Land Uses Permitted by Special Approval	11-4
	Site Development Requirements	11-4

Section 11.04	Medium Density Village Residential District	11-4
	Intent	11-4
	Uses Permitted by Right	11-5
	Special Land Uses Permitted by Special Approval	11-5
	Site Development Requirements	11-5
Section 11.05	High Density Residential District	11-5
	Intent	11-5
	Uses Permitted by Right	11-6
	Special Land Uses Permitted by Special Approval	11-6
	Site Development Requirements	11-6
<b>ARTICLE 12:</b>	<b>COMMERCIAL DISTRICTS</b>	<b>12-1</b>
Section 12.01	Village Commercial District	12-1
	Intent	12-1
	Uses Permitted by Right	12-1
	Special Land Uses Permitted by Special Approval	12-1
	Site Development Requirements	12-2
Section 12.02	General Commercial District	12-2
	Intent	12-2
	Uses Permitted by Right	12-2
	Special Land Uses Permitted by Special Approval	12-3
	Site Development Requirements	12-3
Section 12.03	Waterfront Commercial District	12-4
	Intent	12-4
	Uses Permitted by Right	12-4
	Special Land Uses Permitted by Special Approval	12-4
	Site Development Requirements	12-4
Section 12.03.1	Leland Harbor Overlay District	12-5
	Intent	12-5
	Definition of Overlay District	12-5
	Regulations	12-5
Section 12.04	Fishtown Historic District	12-6
	Intent	12-6
	Boundaries, Ownership and Control	12-6
	Uses Permitted	12-6
	Dimensional Standards	12-7
	Additional Standards	12-7
<b>ARTICLE 13:</b>	<b>INDUSTRIAL DISTRICTS</b>	<b>13-1</b>
Section 13.01	Light Manufacturing District	13-1
	Intent	13-1
	Uses Permitted by Right	13-1
	Special Land Uses Permitted by Special Approval	13-1
	Site Development Requirements	13-2
<b>ARTICLE 14:</b>	<b>FOR FUTURE USE</b>	<b>14-1</b>

<b>ARTICLE 15:</b>	<b>FOR FUTURE USE</b>	<b>15-1</b>
<b>ARTICLE 16:</b>	<b>STANDARDS FOR SPECIAL LAND USES</b>	<b>16-1</b>
Section 16.01	General Standards Applicable to All Special Land Uses	16-1
Section 16.02	Adult Foster Care Facility	16-2
Section 16.03	Airports and Airplane Landing Strips	16-2
Section 16.04	Automobile Service and Repair Stations	16-3
Section 16.05	Bed and Breakfast	16-3
Section 16.06	Cemeteries	16-4
Section 16.07	Commercial Stables	16-4
Section 16.08	Temporary Off-Season Agricultural Building Storage	16-5
Section 16.09	Concentrated Livestock Operations	16-5
Section 16.10	Nursing Homes	16-5
Section 16.11	Churches and Religious Institutions	16-6
Section 16.12	<i>Reserved for Future Use</i>	16-6
Section 16.13	Group Home Day Care Facilities	16-6
Section 16.14	Veterinarian Clinics	16-6
Section 16.15	Kennels	16-7
Section 16.16	Mini Storage Facilities	16-7
Section 16.17	Motels	16-8
Section 16.18	Multiple Family Development	16-8
Section 16.19	Open Air Businesses	16-9
Section 16.20	Planned Unit Developments (see Article 17)	16-9
Section 16.21	Public Facilities	16-9
Section 16.22	Schools	16-9
Section 16.23	Shooting Ranges	16-10
Section 16.24	Junkyards	16-10
Section 16.25	Industrial Parks	16-11
Section 16.26	Farm Market	16-12
Section 16.27	Outdoor Commercial Recreation	16-12
Section 16.28	Extraction Operations	16-14
Section 16.29	Adult Related Businesses	16-17
Section 16.30	Communication Towers	16-19
Section 16.31	Cottage Industries	16-20
<b>ARTICLE 17:</b>	<b>STANDARDS FOR PLANNED UNIT DEVELOPMENTS</b>	<b>17-1</b>
Section 17.01	Approval Standards	17-1
Section 17.02	Waiver of Standards	17-6
Section 17.03	Parking Requirements for PUDS in C-1, C-2, R-1B and R-2	17-6
<b>ARTICLE 18:</b>	<b>GENERAL PROVISIONS</b>	<b>18-1</b>
Section 18.01	Intent and Purpose	18-1
Section 18.02	Keeping of Animals	18-1
Section 18.03	Essential Services	18-2
Section 18.04	Swimming Pools	18-2
Section 18.05	Reserved for Future Use (Amendment 2016-01)	18-2
Section 18.06	Temporary Uses, Nonresidential Buildings and Structures	18-2
Section 18.07	Temporary Dwellings	18-4
Section 18.08	Accessory Uses, Buildings and Structures	18-5
Section 18.09	One Single Family Dwelling to a Lot	18-6
Section 18.10	Front Setback Reductions and Increases	18-6



Section 22.04	Signs in Commercial and Industrial Districts	22-2
Section 22.05	Moving or Revolving Signs	22-3
Section 22.06	Signs Not to Constitute a Traffic Hazard	22-3
Section 22.07	Portable or Moving Signs	22-3
Section 22.08	Off-Premises Signs	22-3
Section 22.09	Existing Nonconforming Signs	22-3
Section 22.10	Signs Requiring Permits	22-3
<b>ARTICLE 23:</b>	<b>LANDSCAPING AND SCREENING</b>	<b>23-1</b>
Section 23.01	Intent	23-1
Section 23.02	Application	23-1
Section 23.03	Landscape Plan Required	23-1
Section 23.04	Buffer Areas	23-1
Section 23.05	Parking Lot and Loading Area Landscaping	23-2
Section 23.06	Site Landscaping	23-2
Section 23.07	Minimum Standards of Landscape Elements	23-2
Section 23.08	Installation, Maintenance and Completion	23-3
Section 23.09	Fencing and Walls	23-3
Section 23.10	Modifications	23-4
<b>ARTICLE 24:</b>	<b>ENVIRONMENTAL STANDARDS</b>	<b>24-1</b>
Section 24.01	Intent and Purpose	24-1
Section 24.02	Definitions	24-1
Section 24.03	Compliance with Local, County, State and Federal Regulations	24-1
Section 24.04	On-Site Sewage Disposal	24-2
Section 24.05	Clearing, Grading and Filling	24-2
Section 24.06	Potable Water and Sewage Disposal	24-2
Section 24.07	Lighting	24-3
Section 24.08	Commercial and Industrial Uses	24-3
Section 24.09	Surface Water /Groundwater Management/Production	24-3
Section 24.10	Sensitive Lands	24-4
<b>ARTICLE 25:</b>	<b>RESERVED FOR FUTURE USE</b>	
<b>ARTICLE 26:</b>	<b>INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL AND EFFECTIVE DATE</b>	<b>26-1</b>
Section 26.01	Interpretation	26-1
Section 26.02	Severance Clause	26-1
Section 26.03	Vested Right	26-1
Section 26.04	Repeal	26-1
Section 26.05	Effective Date	26-2

# PREAMBLE

An Ordinance enacted by Leland Township under Public Act 184 of 1943, as amended, to provide for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by Ordinance, and within which district provisions are adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, including tents and trailer coaches; to provide for administration and amendments of said Ordinance; to provide for appeals and for the organization and procedures to be followed by the Zoning Board of Appeals; and to provide for penalties for the violation of said Ordinance.

## Article 1 TITLE, INTENT AND PURPOSE

### Section 1.01 TITLE

This Ordinance shall be known and cited as the Leland Township Zoning Ordinance.

### Section 1.02 INTENT AND PURPOSE

It is the purpose of this Zoning Ordinance to promote the public health, safety, comfort, convenience, and general welfare of the inhabitants of Leland Township by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air and to preserve community character; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to lessen congestion on the public streets and highways; to facilitate adequate and economical provision of transportation, sewerage and drainage, water supply and distribution, education, recreation and other public services and facilities; to assure adequate provision of the state's citizens for food, fiber, energy and other natural resources; to ensure appropriate locations and relationships for uses of land; and to facilitate the expenditure of funds for adequate public facilities and services by establishing herein standards for physical development in accordance with the goals, objectives and policies contained in the General Development Plan for the Township; and to provide for the administration and enforcement of such standards.

## **Article 2 DEFINITIONS**

### **Section 2.01 CONSTRUCTION OF LANGUAGE**

For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

- A.** Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B.** The word "person" includes a corporation, association, partnership, trust, firm, or similar activity as well as an individual.
- C.** The word "building" includes the word "structure," and either includes any part thereof.
- D.** The word "lot" includes the word "plot," "tract," or "parcel."
- E.** The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- F.** The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended to be used or occupied," "arranged to be used or occupied," "maintained to be used or occupied," or "designed to be used or occupied."
- G.** "This Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.
- H.** Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
  - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - 2. "Or" indicates the connected items, conditions, provisions or events may apply singly or in any combination.
  - 3. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- I.** The "Township" is the Township of Leland in the County of Leelanau, State of Michigan; the "Township Board", "Board of Appeals" and "Planning Commission" are, respectively, the Township Board of Trustees, Zoning Board of Appeals, and Planning Commission of the Township.
- J.** Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
- K.** "Days" means calendar days unless otherwise stated.

**Section 2.02 DEFINITIONS**

**A. Definitions of Words and Phrases Beginning with the Letters "A" Through "E":**

**Abutting (lot or parcel):** A lot or parcel which shares a common border with the subject lot or parcel.

**Accessory Building:** A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.

**Accessory Use:** A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

**Administrative Building:** A building that houses governmental functions whose principal operations focus on the management of governmental activities and services and, by its location, does not provide a service specifically targeted toward immediately surrounding land uses but is characterized by being executive, administrative or judicial in character, such as, by example, offices of government officials; animal control facilities; offices of property description, taxation, assessment, planning and inspection activities; police protection and correction facilities and associated court and probation facilities. (Amendment 1998-01)

**Agricultural Labor Housing:** A parcel and all tents, vehicles, buildings and other structures pertaining thereto which is established, occupied or used as living quarters and licensed under the Michigan Department of Agriculture and Rural Development. (Amendment 2013-01)

**Agriculture:** Any land, buildings, and machinery used in the commercial production of farm products as defined in the Michigan Right to Farm Act, P.A. 93 of 1981, MCLA 286.471 et seq; including but not limited to pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry, but not including concentrated livestock operations as defined in this Ordinance.

**Agricultural Building:** A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products and that is clearly incidental to an agricultural activity, excluding retail trade.

**Alley:** A public or legally established thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

**Alteration:** Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; or any change which may be referred to herein as altered or reconstructed.

**Animal Unit:** A unit of measure used to compare differences in the production of animal waste produced on a regular basis by a slaughter steer or heifer, with the following equivalencies applicable to other livestock:

slaughter steer/heifer:	1.00 animal unit (all cattle)
horses:	2.00 animal units
mature dairy cow:	1.40 animal units
swine:	0.40 animal units
sheep:	0.10 animal units
all fowl:	0.05 animal units

**Apartment:** A room or suite of rooms, including bath and kitchen facilities, in a two-family or multiple family dwelling intended and designed for use as a residence by a single family.

**Apartment, accessory:** See Dwelling, accessory. (Amendment 2013-02)

**Appearance Ticket:** See Municipal Civil Infraction Citation. (Amendment 2013-06)

**Automobile Service and Repair Stations:** Buildings and premises for the primary purpose of the retail sales of gasoline, oil, grease, batteries, tires and other operational fluids and accessories for automobiles, and the installation of such items, and for other minor automobile repair not to include auto refinishing, body work or painting, dismantling of vehicles for the purpose of reuse or resale of parts, or storage of automobiles other than those in for immediate repair.

**Average:** For the purpose of this ordinance, the term "average" will be the sum of a list of numbers divided by the size of the list. (Amendment 2013-06)

**Basement:** That portion of a building which is partly or wholly below finished grade. (Amendment 2013-07)

**Bed and Breakfast:** A structure which was constructed for single family residential purposes but which may be used for the purpose of renting bedrooms on a nightly basis to tourists,

including the provision of bathing and lavatory facilities and a breakfast meal, provided that certain zoning requirements are met.

**Berm:** A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

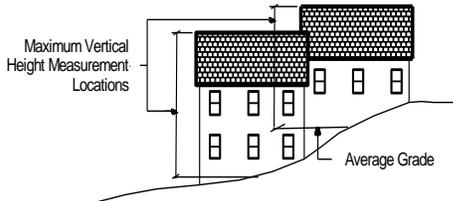
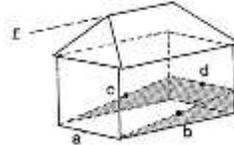
**Billboard:** A sign structure advertising a service, commodity or establishment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, also known as "off-premise sign" or "outdoor advertising structure." Such sign is subject to the requirements of the Highway Advertising Act, PA 106 of 1972 (as amended) as well as to the provisions of this Ordinance.

**Buffer Area:** A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts. Landscaping, berms, fencing or open space can also be used to buffer noise, light and related impacts from abutting properties even if not in a separately established buffer zone and may be so required by this Ordinance.

**Boathouse:** An accessory structure for the sole purpose of mooring and storing watercraft and related equipment, located at the water's edge with a boat well or other means of direct water access, such as via a track or other mechanical means. (Amendment 2015-01)

**Building:** Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes but is not limited to: mobile homes, tents, sheds, garages, greenhouses, and other principal or accessory structures.

**Building Height (Amendment 2013-06):** The vertical distance from the peak of the roof to the average finished grade. When the terrain is sloping, the height shall be computed using the average finished grade measured at the building wall on all four sides (see figure at right). No portion of the structure's roof may exceed the maximum height allowed in the specific district regulations. As illustrated below, buildings may be "stair stepped" up and down slopes. The building height shall be calculated for each "stair stepped" portion separately.



a, b, c, d = average finished grade on each building wall

Average Finished Grade (entire building):  
 $(a+b+c+d)/4 = e$

Height = f (elevation at peak) – e (average grade)

**Building Inspector:** An individual hired by Leelanau County to administer the county building code.

**Building Lines:** See Setback. (Amendment 2013-06)

**Carpport:** A partially open structure, intended to shelter one or more vehicles. Such structures shall comply with all yard requirements applicable to garages.

**Cellar:** See definition for "Basement".

**Cemetery:** Property, including crematories, mausoleums, and/or columbiums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

**Certificate of Occupancy:** A document signed by the Building Inspector as a condition precedent to the commencement of a use or the construction/reconstruction of a structure or building which acknowledges that such use, structure or building complies with the provisions of this

Ordinance and the County building code.

**Changeable Message Board:** A sign which identifies an institution or organization on the premises of which it is located and which contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution, or similar messages.

**Change of Use:** A use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this Ordinance, as amended. (Amendment 2014-01)

**Church:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

**Club:** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit and open only to members and not the general public.

**Commercial Agriculture:** The use of land and/or structures for the growing and/or production of farm products for income.

**Communication Tower:** Any structure that is designated and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and other telecommunication purposes. The term includes, but is not limited to, radio and television transmission communication towers, microwave communication towers, common-carrier communication towers, cellular telephone communication towers alternative tower structures and the like. The term includes the structure and any support thereto, and any antenna that may be affixed to such structure. This term also applies to an antenna in the case where the antenna is affixed to a building or other structure that was not constructed primarily for the purpose of supporting an antenna. (Amendment 1997-18)

**Comprehensive Development Plan:** The statement of policy by the Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written material representing in summary form the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating the very best community living conditions.

**Concentrated Livestock Operations:** A farm operation which exceeds the confinement of livestock or poultry in excess of fifty (50) animal units per confined acre, or where the confinement area accumulates manure that must be removed, or a sustained ground cover (crops, vegetation, forage growth, or post harvest residue) cannot be maintained over the normal growing season throughout the area where the animals are confined.

**Condominium Project:** A plan or project consisting of two (2) or more condominium units established and approved in conformance with the Condominium Act (Act 59, 1978).

**Condominium Subdivision:** A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended.

**Condominium Subdivision Plan:** The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

**Condominium Unit:** That portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land or space which either encloses or is enclosed by a building structure. Any "condominium unit", or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of the condominium subdivision with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

**Cottage Industry:** An occupation or trade conducted either within residential structure or within a detached residential accessory structure, which is clearly incidental and secondary to the use

of the lot, and dwelling for residential purposes. Cottage industries are regulated by Section 16.31. (Amendment 2004-01)

- Day Care Center:** A facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Childcare center or day care center includes a facility, which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include any of the following:
- A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
  - A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services.
  - A private home (private residence) in which the licensee or registrant permanently resides as a member of the household, which residency shall not be contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, a group day care home, or a family day care home.
- Day Care Home; Family:** A private home in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.
- Day Care Home, Group:** A private home in which the operator permanently resides as a member of the household in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to more than six unrelated minor children for more than 4 weeks during a calendar year.
- Deed Restriction:** A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the Township has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the Township.
- Density:** The number of existing or proposed dwelling units per net acre of land. Net acreage is the gross acreage of a lot, less the rights-of-way for streets.
- District:** An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations. A "district" is also known as a "zone" or "zoning district".
- Drive-in Establishment:** An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.
- Driveway:** A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any requirements of the Leelanau County Road Commission or State of Michigan.
- Dwelling:** Any building, or portion thereof, which is designed or used exclusively for residential purposes. In no case shall a motor home, trailer coach, automobile chassis, tent or portable building be considered a dwelling.
- Dwelling, Accessory:** A dwelling unit accessory to a single-family residence, located either in the principal residential structure or an accessory building, such as a garage. An accessory dwelling commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance. (Amendment 2013-02)

**Dwelling, Multiple Family:** A building containing three or more dwelling units designed for residential use for three or more families living independently of each other.

**Dwelling, Single Family:** A detached building or portion thereof designed and used exclusively as the home, residence or sleeping place of one family. In the case of a mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for purposes of this Ordinance and shall comply with the provisions herein relative to dwellings.

**Dwelling, Two Family (Duplex):** A building containing not more than two separate dwelling units designed for residential use.

**Dwelling Unit:** One or more rooms with bathroom and principal kitchen facilities designed as a self contained unit for occupancy by one family for living, cooking and sleeping purposes.

**Dwelling Unit, Farm:** A dwelling unit located on a farm in the AC District which is used or intended for use by the farm's owner, operator, or person employed thereon. Only one farm dwelling shall be permitted on each farm.

**Dwelling Unit, Nonfarm:** A dwelling unit located in the AC District which is not a farm dwelling unit and which is designed for occupancy by a single family

**Easement, Permanent Recorded:** A grant of one or more property rights from a property owner to another person which is permanent and appurtenant to the land and is recorded in the office of the Leelanau County Register of Deeds.

**Erected:** The word "erected" means built, constructed, reconstructed, moved upon, or any physical activity upon a premises or lot required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.

**Erosion:** The removal of soil particles from the land by the action of water, wind, ice, or other geological elements.

**Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including towers, or office buildings, substations, or structures which are enclosures or shelters for service equipment, or maintenance depots.

**Excavation:** Any breaking of ground, except common household gardening, general farming and ground care.

**Extraction Operation:** The removal, extraction, or mining of sand, gravel or similar material for commercial gain.

**B. Definitions of Words and Phrases Beginning with the Letters "F" Through "J":**

**Family:**

- a. An individual or group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit, or
- b. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.
- c. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.

**Farm:** Land used for commercial agriculture comprising at least ten (10) contiguous acres, and which may contain other noncontiguous acreage, all of which is operated by a sole

proprietorship, partnership, or corporation and including all necessary farm buildings, structures, and machinery.

**Farm Market:** An accessory building or structure to a farm operation used solely for the purposes of the sale of seasonal or other farm products, of which fifty (50) percent of the retail floor area is devoted to seasonal or other farm products produced on the farm or in Leelanau County.

**Farm Operation:** A condition or activity which occurs on a farm in connection with the commercial production of farm products, and includes, but is not limited to: marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

**Farm Product:** Those plants and animals useful to man and includes, but is not limited to: forages and sod crops; grains, and feed crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing; fruits, vegetables, flowers, seeds, grasses, and trees; fish, apiades, equine and other similar products; or any other products which incorporate the use for food, feed, fiber, or fur.

**Fence:** An accessory structure artificially constructed to serve as an obscuring screen, physical barrier, and/or decorative landscape element.

**Filling:** The depositing or dumping of any matter into or onto the ground.

**Floor Area, Gross:** The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed and uncovered porches, unenclosed and covered porches, court yards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

**Floor Area, Usable:** For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

**Footing:** That portion of the foundation of a structure which spreads and transmits loads directly to the soil or the pilings.

**Foster Care Facility:** An establishment which provides supervision, assistance, protection, or personal care, in addition to room and board, to persons. A foster care facility does not include a home for the aged or nursing home, licensed under PA 139 of 1956, as amended, or a mental hospital for mental patients licensed under PA 151 of 1923.

a. Family Home: A facility which provides foster care to six (6) or fewer persons.

b. Group Home: A facility which provides foster care to seven (7) or more persons.

**Frontage:** The total continuous length of the front lot line. In the case of waterfront lots, the term frontage shall also apply to the total continuous length of the rear lot line.

**Garage:** An accessory building or an accessory portion of a principal building designed or used primarily for the storage of noncommercial motor vehicles, boats, motor homes, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory.

**Golf Course/Country Club:** A golf course, public or private, where the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as a principal use.

**Grade, Finished:** The elevation of the ground upon the completion of construction and improvements.

**Grade, Natural:** The elevation of the ground surface in its natural state, before man-made alterations.

**Hazardous Substance:** A substance or material, as specified by a regulatory agency, that by reason of its toxic, caustic, corrosive, abrasive, or other physical or chemical characteristics may pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported disposed of, or otherwise managed. (Amendment 2013-06)

**Height, Wind Powered Electrical Generating Tower:** The distance between the ground and the highest point achieved by the tip of a rotor blade. (Amendment 1996-01)

**Home Occupation:** Any use customarily conducted entirely within a dwelling which is clearly incidental and secondary to the residential use of the lot; does not change the character of the dwelling, and meets all applicable provisions of this Ordinance.

**Horse:** Mule, burro, pony, jack, hinny, and all other quadrupeds of the genus equus.

**Hospital:** An institution or place where sick or injured in-patients are given medical or surgical care at either public or private expense, and operating under license from the Michigan Department of Public Health.

**Impervious Surface:** Any surface or structure incapable or highly resistant to penetration by water including, but not limited to, roofs of any type, concrete, asphalt or bituminous paving, compacted gravel, flagstone or brick patios, and driveways. (Amendment 2007-03)

**Inoperable or Abandoned Motor Vehicle:** Any wheeled vehicle which is self-propelled or intended to be self-propelled, and which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power.

**Junk:** Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or scrap metals or other trash, rubbish, refuse or scrap materials that are damaged or deteriorated, except if in a completely enclosed building or otherwise managed as part of a junk yard. Junk includes any inoperable or abandoned motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of thirty (30) days and shall also include, whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of thirty (30) days and which is not in a completely enclosed building. Junk does not include domestic refuse if stored so as to not create a nuisance and is thirty (30) feet or more from any residential structure for a period not to exceed seven (7) days.

**Junk Yard:** Any land or building used: 1) for the abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, or other scrap or discarded materials; or 2) for the abandonment, demolition, dismantling, storage or salvaging of machinery, automobiles or other vehicles not in normal running condition, or parts thereof. A junk yard shall be considered as a special land use requiring special approval.

**C. Definitions of Words and Phrases Beginning with the Letters "K" through "O":**

**Kennel:** A lot or premises on which four (4) or more dogs, cats, or other domestic pets, six (6) months of age or older, are kept, either permanently or temporarily, for the purposes of breeding, boarding, training, sale, or transfer.

**Land Use Permit:** A permit signifying compliance with the provisions of this Ordinance.

**Livestock:** Cattle, sheep, goats, swine, poultry, and other animals or fowl, which are being produced primarily for use as food or food products for human consumption

**Loading Space:** An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

**Lot:** Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings, having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this Ordinance, and having its principal frontage upon a public street or on a private road approved by the Township (*see Figure 2-1 at end of this Section*).

**Lot Area, Net:** The area of the horizontal plane within the lot lines of a lot, exclusive of any public street right-of-way abutting any side of the lot.

**Lot, Corner:** Any lot having at least two (2) contiguous sides abutting upon one or more streets or approved private roads, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet. (*see Figure 2-1 at end of this Section*).

**Lot Coverage:** The amount of a lot, stated in terms of percentage, that is covered by all buildings, and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully

- roofed, but shall not be deemed to include fences, walls, or hedges used as fences, unroofed decks or patios or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.
- Lot, Depth Of:** The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lines of the lot. *(see Figure 2-2 at end of this Section)*
- Lot, Flag:** A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property and does not meet the frontage requirements of the district in which it is located. *(see Figures 2-2 and 2-3 at end of this Section)*
- Lot Frontage:** The length of the front lot line.
- Lot, Interior:** A lot other than a corner lot which, with the exception of a "through lot", has only one lot line fronting on a street *(see Figure 2-1 at end of this Section)*.
- Lot Lines:** The lines bounding a lot or parcel *(see Figure 2-3 at end of this Section)*.
- a. **Lot Line, Front:** The line(s) separating the lot from any street right-of-way, private road or other access easement *(see Figure 2-3 at end of this Section)*, except in the case of a waterfront lot, in which case the front lot line shall be the water's edge. Such line shall be continuous at least a sufficient length to conform with the minimum lot width requirement of the district.
  - b. **Lot Line, Rear:** The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line *(see Figure 2-3 at end of this Section)*.
  - c. **Lot Line, Side:** Any lot line other than a front or rear lot line *(see Figure 2-3 at end of this Section)*.
- Lot of Record:** A lot which is part of a subdivision, the map of which has been recorded in the Office of the Leelanau County Register of Deeds prior to the adoption or amendment of this Ordinance, or a tract, parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the Leelanau County Register of Deeds prior to the adoption or amendment of this Ordinance.
- Lot, Through:** An interior lot having frontage on two (2) more or less parallel streets *(see Figure 2-1 at end of this Section)*.
- Lot Width:** The straight line horizontal distance between the side lot lines, measured at the two (2) points where the minimum required front setback line intersects the side lot lines *(see Figure 2-2 at end of this Section)*.
- Major Thoroughfare:** A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property and which is classified as a county primary road by the Leelanau County Road Commission or as a principal or minor arterial by the Michigan Department of Transportation.
- Manufactured Housing.** A dwelling unit which is designed for long term residential use and is wholly or substantially constructed at an off-site location. Manufactured housing includes mobile homes and modular housing units.
- Marina:** A water body or portion thereof used for the principal purpose of docking watercraft in water for which a fee is paid for such docking, and where additional accessory services may be offered including watercraft repair, fueling and servicing.
- Master Deed:** The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.
- Mini Storage (warehouse) Facilities:** A building or group of buildings in a controlled access or fenced area that contains individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are generally not used on a daily basis, including recreational vehicles and watercraft.
- Minor Thoroughfare:** A public street identified as a county local road by the Leelanau County Road Commission, except that no street in a platted subdivision nor any private road shall be considered a minor thoroughfare under this Ordinance.
- Mobile Home:** A structure, transportable in one or more sections, which is built on a chassis and

designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term mobile home shall not include pick-up campers, travel trailers, motor homes, modular homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

**Mobile Home Park:** A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

**Modular (Pre-Manufactured) Housing Unit:** A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

**Motel:** A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" shall include buildings designated as hotels, auto courts, tourist courts, motor courts, motor hotel, and similar appellations which are designed as integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple family dwelling.

**Motor Home:** A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

**Municipal Civil Infraction Citation:** A written complaint prepared by an authorized Township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited. (Amendment 2013-06)

**Municipal Sewage Treatment Facility:** A sewage treatment system owned by a township, charter township, village, city, county, the State of Michigan, or an authority or commission comprised of these governmental units.

**Municipal Water Supply:** A water supply system owned by a township, charter township, village, city, county, the State of Michigan, or an authority or commission comprised of these governmental units.

**Nonconforming Building (Nonconforming Structure):** A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.

**Nonconforming Lot of Record (Substandard Lot):** A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located.

**Nonconforming Use:** A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated.

**Nuisance:** An offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to:

- a. noise;
- b. dust;
- c. smoke;
- d. odor;
- e. glare;
- f. fumes;
- g. flashes;
- h. vibration;
- i. objectionable effluent;

- j. noise of a congregation of people, particularly at night;
- k. passing traffic; or
- l. invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

**Nursing Home:** An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.

**Open Space, Common:** Open space which is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development.

**Open Space, Dedicated:** Common open space dedicated through permanent recorded deed restrictions or easement.

**Owner:** The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, leasee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

**D. Definitions of Words and Phrases Beginning with the Letters "P" Through "T":**

**Parcel:** A lot described by metes and bounds or described in a recorded plat.

**Park:** A parcel of land, building or structure used for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

**Parking Area, Off-Street:** A land surface or facility providing vehicular parking spaces off of a street along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of three (3) or more automobiles or trucks.

**Parking Space:** An area of land provided for vehicles off of a street exclusive of drives, aisles, or entrances giving access thereto, which is fully accessible for parking of permitted vehicles.

**Planned Unit Development:** A tract of land or lot, developed under single ownership or management as a separate neighborhood or community unit. The development shall be based on an approved site plan which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, common open space and other land uses as provided in this Ordinance.

**Planning Commission:** The Planning Commission of the Township.

**Plat:** A map of a subdivision of land recorded with the Register of Deeds pursuant to the Subdivision Control Act of 1967 or a prior statute.

**Plot Plan:** The drawings and documents depicting and explaining all salient features of a proposed development which requires a land use permit but is not required to prepare a site plan in order to evaluate compliance with ordinance standards and requirements. (Amendment 2013-06)

**Principal Building:** The main building on a lot in which the principal use exists or is served by.

**Principal Use:** The main use to which the premises are devoted and the main purpose for which the premises exist.

**Private Road:** A private way or means of approach which meets the requirements of this Ordinance to provide access to two (2) or more abutting lots, and which is constructed and maintained by the owner or owners and is not dedicated for general public use.

**Private Sanitary Sewage Disposal System:** An individual on-site sewage disposal system as defined in the County Health Department Sanitary Code.

**Private Water Supply:** A well or other water supply system approved by the County Health Department pursuant to Part 127 of Act 368 of the Public Acts of 1978, as amended.

**Prohibited Use:** A use of land which is not permitted within a particular zoning district.

**Public Facilities:** Land and associated structures and buildings used to carry out a governmental function(s) or provide a governmental service(s), such as a use or service owned or managed by a city, village, township, county state or public school boards and including commissions or other arms of such entities. Examples of such facilities include, but are not necessarily limited to parks, libraries, cemeteries, museums, police protection facilities and government offices. (Amendment 1998-01)

**Public Sanitary Sewer:** A system of pipe owned and maintained by a governmental unit used to

carry human, organic and industrial waste from the point of origin to a point of discharge.

**Public Utility:** Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

**Recreational Vehicle:** A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle. (Act 96, Michigan Public Acts of 1987, as amended).

**Recreational Vehicle Park:** All lands and structures which are owned and operated by private individuals, a business or corporation which are predominantly intended to accommodate recreational vehicles and provide for outdoor recreational activities.

**Repair:** The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

**Restaurant, Drive-through:** A restaurant in which all or a substantial portion of the business consists of serving foods and beverages in a ready-to-consume state from a drive-through window to patrons in motor vehicles. A drive-through restaurant may or may not also have indoor seating.

**Restaurant, Standard:** An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics:

- a. customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed;
- b. a cafeteria-type operation where food and beverage generally are consumed within the restaurant building.

The term "standard restaurant" shall not be interpreted to mean or include a drive-through restaurant.

**Restoration:** The reconstruction or replication of an existing building's original architectural features.

**Right-of-Way:** A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

**Roadside Stand:** A structure which is used seasonally for display and sale of agricultural produce and products grown and prepared on the lot or parcel upon which the roadside stand is located. The seasonal operation of a roadside stand shall not be considered a commercial use.

**School:** An educational institution under the sponsorship of a private or public agency providing elementary or secondary curriculum, and accredited or licensed by the State of Michigan; but excluding profit-making private trade or commercial schools.

**Screen:** A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structural, consisting of shrubs or other growing materials.

**Secondary Containment:** A device and/or measures taken to prevent regulated substances that can be spilled at a loading or unloading facility from entering a public sewer, ground water, surface water, subsurface soils, or the impoundment area for the tanks.

**Setback:** The minimum distance from the lot line within which no buildings or structures, including overhangs, may be placed, except as otherwise provided in this ordinance. (Amendment 2013-06)

- a. **Front:** Minimum distance, extending the full lot width, between the principal building and the front lot line. (Amendment 2013-06)
- b. **Rear:** The minimum required distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line. (Amendment 2013-06)
- c. **Side:** The minimum required distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line. (Amendment 2013-06)

- Shooting Range:** Any facility, whether operated for profit or not, and whether public or private, which is designed for the use of firearms which are aimed at targets, skeet or trap, or where a fee is paid in order to hunt animals within a confined area.
- Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or other representation, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which is located upon any land or on or in any building, in such manner as to attract attention from outside the premises. *(Refer to Article 22: Signs, for additional definitions pertaining to signs.)*
- Site Plan:** A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan depicts a subset of the information required by this Ordinance for a site plan.
- Solid Waste:** Garbage, rubbish, paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, ashes, incinerator residue, street cleanings, municipal and industrial sludges, and solid commercial and solid industrial waste, animal waste, but does not include human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a reuser of slag or slag products.
- Special Land Use:** Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within a zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing. Refer to Articles 7: Procedures for Special Land Uses.
- Stable, Commercial:** A structure and/or land use where horses are bred, reared, trained and/or boarded for remuneration.
- Stable, Private:** An accessory structure and/or land use where horses are kept for private use by the occupants of the parcel and are not for hire, remuneration or sale.
- Stop Work Order:** An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.
- Story:** Deleted. (Amendment 2013-07)
- Story, Half:** Deleted. (Amendment 2013-07)
- Story, Height of:** Deleted. (Amendment 2013-07)
- Street:** A state highway, county road, dedicated public thoroughfare or approved private road which affords the principal means of access to abutting property and if newly constructed, or reconstructed, meets construction standards promulgated by this Ordinance.
- Street Line:** The legal line of demarcation between a street right-of-way and abutting land.
- Structural Alterations:** Any change in the supporting members of a building such as the bearing walls, columns, beams or girders, or any change in the dimensions or configuration of the roof, exterior walls or foundation.
- Structure:** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground. Sidewalks and at-grade patios shall not be considered as "structures," but must comply with all applicable standards of this ordinance. (Amendment 2013-06)
- Subdivision:** The division of a lot, tract, or parcel of land into five (5) or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of sale or of building development. The meaning of the term subdivision shall not, however, apply to the partitioning or dividing of land into tracts or parcels of land of more than ten (10) acres.
- Swimming Pool:** Any structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing.
- Tasting Room:** A room in conjunction with a winery where a) tasting of wine, fruit wines, and nonalcoholic fruit juices takes place and b) the retail sales of winery products, incidental retail sales of non-food items and packaged food items are allowed as provided herein. (Amendment 2013-06)

**Temporary Off-Season Storage Agricultural Building:** An agricultural building which is used no more than six (6) months during a twelve (12) month period for the purposes of storing recreational vehicles which are not registered to a person residing on the premises.

**Township Board:** Elected members of the governing Board of Trustees of Leland Township.

**Township Engineer:** The staff engineer or consulting engineer of the Township.

**E. Definitions of Words and Phrases Beginning with the Letters "U" through "Z":**

**Underground Storage Tank:** A tank or combination of tanks, including underground pipes connected to the tank or tanks or underground ancillary equipment containment systems, if any, which is, was, or may have been, used to contain an accumulation of regulated substances and the volume of which, including the volume of the underground pipes connected to the tank or tanks is 10% or more beneath the surface of the ground.

**Use:** The purpose for which land or a building is arranged, designed or intended, or for which land or a building may be occupied.

**Variance:** A modification of the literal provisions of the Zoning Ordinance which the Zoning Board of Appeals is permitted to grant, upon making certain required findings, including but not limited to, when strict enforcement of said provision would cause practical difficulty or undue hardship owing to circumstances unique to the individual property on which the variance is sought and not the result of the actions of the applicant or a previous property owner.  
(Amendment 2013-06)

**Vicious Animal:** Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals. The term "vicious animal" shall include, but not be limited to, wolves, coyotes, jackals, or hybrids thereof, and ocelots and margays and hybrids thereof.

**Waterfront Lot:** Any lot or parcel which abuts Lake Michigan, Lake Leelanau, Duck Lake, or the Carp River.

**Water's Edge:** The contour line 582.3 feet above mean sea level with respect to lands abutting Lake Michigan, including the bays and harbors thereof, and the "ordinary high water mark" as defined and interpreted by the State of Michigan, Department of Environmental Quality or successor agency with respect to lands abutting all other lakes and streams in the township, except on water bodies with a court-established level. (Amendment 2013-06)

**Wine:** The product made by the normal alcoholic fermentation of the juice of grapes or any other fruit with the usual cellar treatment, and containing not more than 21% of alcohol by volume, including fermented fruit juices other than grapes and mixed wine drinks. (Amendment 2013-04)

**Wine Drink, Mixed:** A drink or similar product containing less than 7% alcohol by volume, consisting of wine and plain, sparkling, or carbonated water, and containing any one or more of the following:

1. Non-alcoholic beverages
2. Flavoring
3. Coloring materials
4. Fruit juices
5. Fruit adjuncts
6. Sugar
7. Carbon dioxide
8. Preservatives

(Amendment 2013-04)

**Wine—Fortified:** Wine with brandy or wine spirits added as permitted by law. (Amendment 2013-04)

**Wine Related Beverages:** Fortified wines, wine brandy and mixed wine drinks. (Amendment 2013-04)

**Winery:** A state-licensed facility where agricultural fruit production is maintained; juice is processed into wine; and sold at wholesale or retail to the public with or without the use of a wine tasting facility. (Amendment 2013-04)

**Yard:** A space open to the sky between a building and the lot lines of the parcel of land on which located, unoccupied or unobstructed by an encroachment or structure, including overhangs, except as otherwise provided by this ordinance. (Amendment 2013-06)

1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building. There shall be maintained a front yard on each street side of a corner lot, until the property owner (or previous owner) has designated a Front Yard (per Section 9.10 footnote s). (Amendment 2013-06)
2. **Rear Yard:** A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the structure of the principal building. In the case of corner lots, there shall only be one rear yard, which shall be determined by the owner. (Amendment 2013-06)
3. **Side Yard:** A yard between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the structure of the principal building.

**Zoning Administrator:** The authorized individual charged with the responsibility of administering this Ordinance and appointed by the Township Board of Trustees.

**Zoning District or Zone:** A portion of the Township within which specific regulations and requirements, or various combinations thereof apply as provided in this Ordinance.

**Commented [SB1]:** Previous definition ended with *(see Figure 2-3 at end of this section)*. Should that stay in?

Figure 2-1  
LOT TYPES

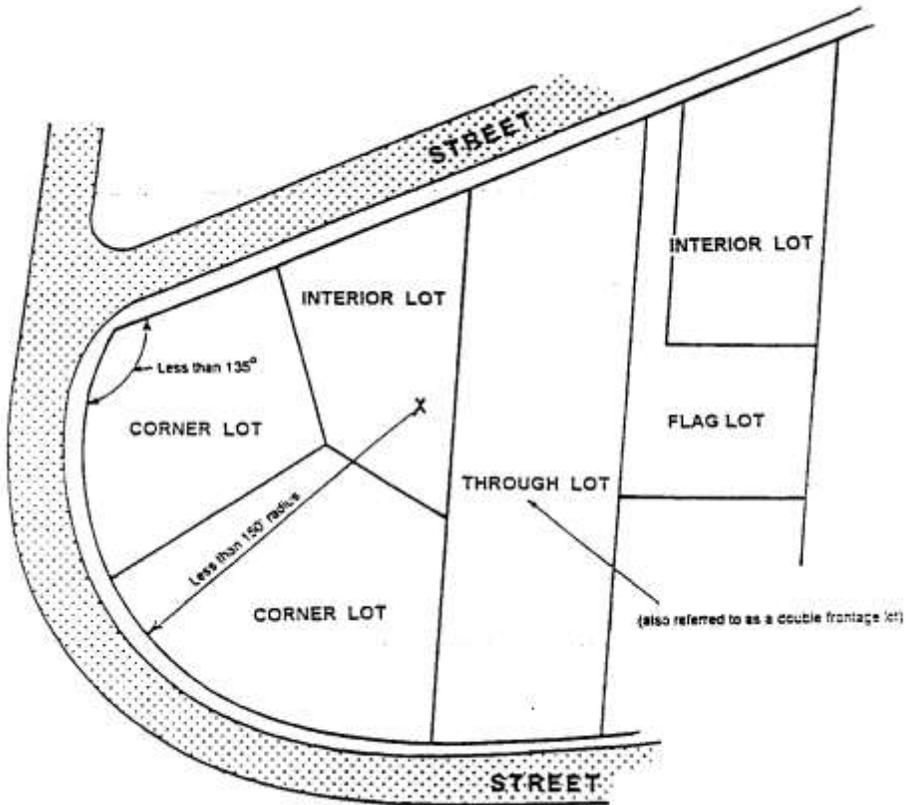


Figure 2-2  
LOT DEPTH

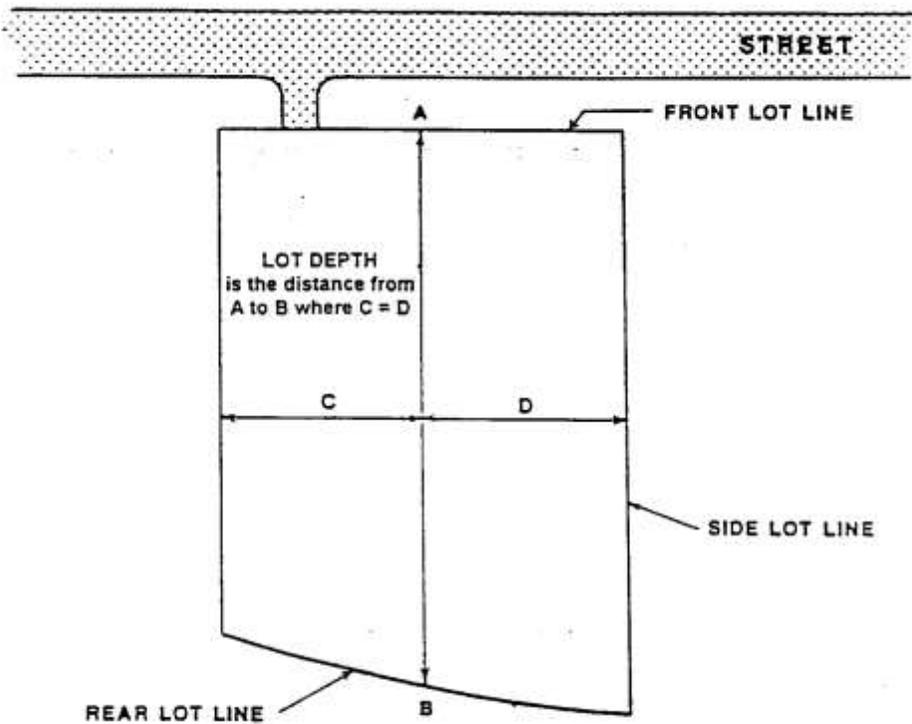
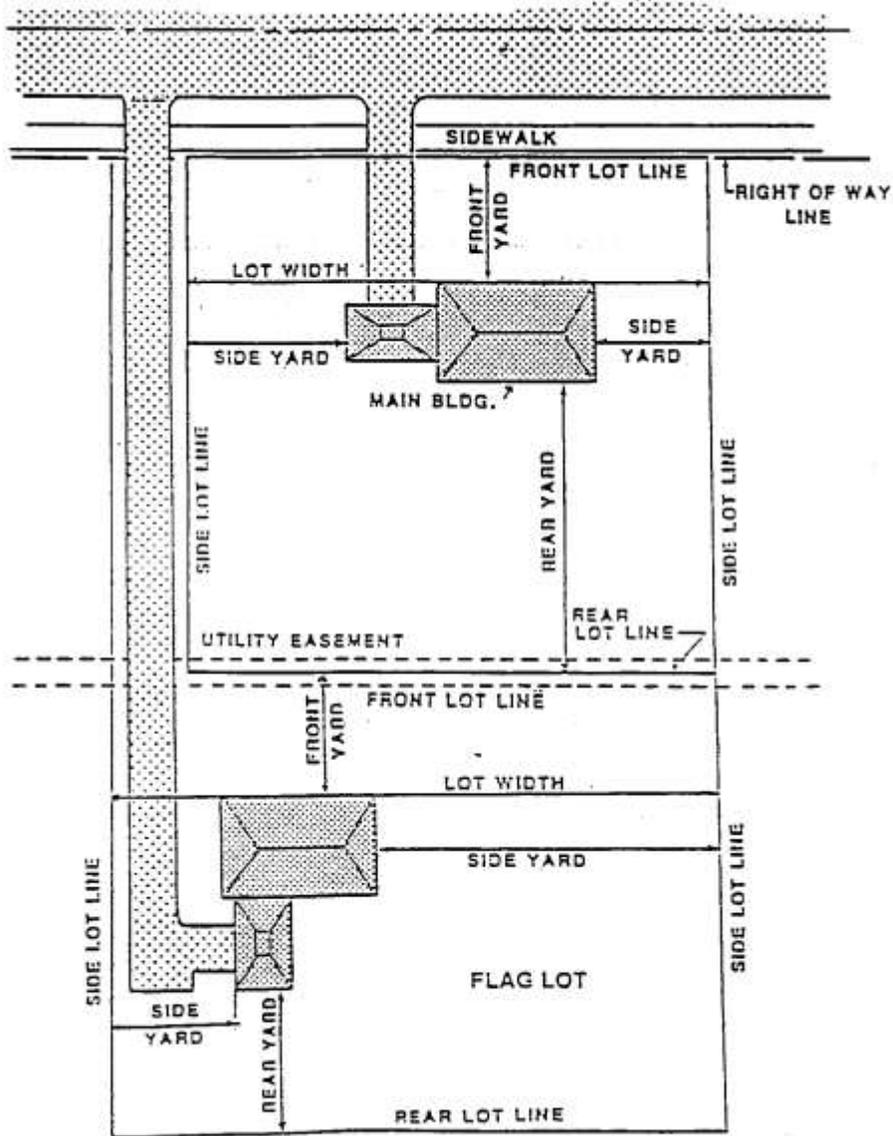


Figure 2-3  
**LOT LINES AND YARDS**



# Article 3 ADMINISTRATION, ENFORCEMENT, AND PENALTIES

## **Section 3.01 ADMINISTRATION**

The administration and enforcement of this Ordinance shall be the responsibility of the Township Board, the Township Planning Commission, and such personnel as designated by the Township Board in accordance with the Michigan P.A. 168 of 1959, as amended, "Township Planning Act"; P.A. 184 of 1943, as amended, Township Zoning Act"; and this Ordinance. The Township Board shall appoint a Zoning Administrator who shall act as an officer in the administration and enforcement of this Ordinance.

## **Section 3.02 DUTIES OF THE ZONING ADMINISTRATOR**

It shall be the responsibility of the Zoning Administrator to enforce the provisions of this Ordinance and in doing so shall perform the following duties:

- A. Issue Permits:** All applications for Land Use Permits, including permits for special uses, temporary uses and temporary dwellings; and all applications for variances, appeals, requests for Ordinance interpretation, and requests for changes to a nonconforming use shall be submitted to the Zoning Administrator who shall issue such permits when all applicable provisions of this Ordinance have been met and approval has been granted by the proper body or official.
- B. File of Applications:** The Zoning Administrator shall maintain files of all permit applications, and shall keep a record of all permits issued; these shall be filed in the office of the Zoning Administrator and shall be open for public inspection.
- C. Inspections:** The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to carry out the enforcement of this Ordinance. No person shall molest the Zoning Administrator in the discharge of his/her duties. The Zoning Administrator shall seek a search warrant through the Township Attorney any time a property owner refuses access to a property in order to make an inspection to determine compliance with this Ordinance.
- D. Record of Complaints:** The Zoning Administrator shall keep a record of every complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each complaint; such records shall be open for public inspection.
- E. Violations:** Enforcement actions may be initiated by a complaint, or by the Zoning Administrator independently anytime he or she identifies a violation.
- F. Report to the Township Board:** The Zoning Administrator shall report to the Township Board quarterly, summarizing for the period since the last previous report, all Land Use Permits issued and all complaints of violation and any action taken on each complaint. Under no circumstances is the Zoning Administrator authorized to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein.

### **Section 3.03 PERMIT PROCEDURES AND REGULATIONS**

It is the intent and purpose of this Section to create a review and permit process for the administration of this Ordinance. The primary process shall require the issuance of one permit which shall be the Land Use Permit. Issuance of such a Permit, pursuant to this Section, shall indicate that the uses and plans for which the Land Use Permit is requested comply with this Ordinance. Upon the issuance of a Land Use Permit, the applicant may erect or alter a building or structure for which the Land Use Permit has been issued only after receiving a Building Permit from the County Building Inspector. No permit is required for an accessory structure of one hundred (100) square feet or less unless it is on a permanent foundation. (Amendment 1997-08)

**A. Land Use Permit Application Required:** No excavation shall be initiated, no building shall be erected, altered, moved or structural alterations (including but not limited to porches, decks, patios or terraces) initiated until a Land Use Permit has been issued by the Zoning Administrator and, where required, a Building Permit has been issued by the County Building Inspector. No Land Use Permit shall be issued for any building or use of land where the construction, addition, alteration, or use thereof would be in violation of this Ordinance, except upon written order of the Zoning Board of Appeals. An application for a Land Use Permit shall be available from the Zoning Administrator. The application shall be completed by the applicant and shall be accompanied by the following:

1. Either a Plot Plan or Site Plan, according to the provisions of Sections 6.02 and 6.03 of this Ordinance.
2. Sanitary Sewer or Septic Approval: In the case of a permit for buildings proposed for human occupancy or required by law to have plumbing fixtures, either a report from the Leelanau County Health Department certifying in writing the approval of a private sanitary sewage disposal system, or when public sanitary sewage service is available or required by local ordinance or state law, a written notice of acceptance or hook-up fee receipt shall be required.
3. Water Supply Approval: When a municipal, public or private water supply system is required by law or proposed by the applicant, either a report from the Leelanau County Health Department, certifying approval of a proposed private water supply system, or when municipal or public water supply is required by local ordinance or state law, a written notice of acceptance or hook-up fee receipt shall be required.

#### **B. Application Fees (Amendment 04-03)**

1. Fees for review of development proposals, inspections and the issuance of permits or certificates required under this Ordinance shall be deposited with the Township Treasurer in advance of processing any application or issuance of any permit. No application for approval for which a fee is requested will be processed until the fee is deposited with the Township Treasurer. The amount of such fees shall be established by the Township Board by resolution and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance. Such fees may include but are not limited to all costs associated with conducting a public hearing or inspection, including the newspaper notice, postage, photocopying, staff time, Planning Commission, Board and/or Zoning Board of Appeals time, mileage, and any costs associated with reviews by qualified professionals including professional planners and/or engineers.
2. **FEES IN ESCROW FOR PROFESSIONAL REVIEWS**  
For any application for site plan approval, Special Use Permit, Planned Unit Development, variance, or other use or activity requiring a permit, or an appeal under this Ordinance, either the Planning Commission or Zoning Board of Appeals may require the deposit of fees above the basic zoning fees to be held in an escrow account to cover the actual costs of consultation with qualified professional planners, engineers, attorneys or other professionals. An escrow fee shall be required for the review or appeal of any project with more than twelve (12) dwelling units, or more than ten thousand (10,000) square feet of enclosed space, or which requires more than twenty (20) parking spaces. An escrow fee may be requested for any other project which may, in the discretion of the

Planning Commission, or in the case of an appeal, the Zoning Board of Appeals 1) create an identifiable and potentially significant or negative impact on public infrastructure or services, adjacent properties, natural resources or 2) require the review and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals.

- a. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals contacted by the Planning Commission or Zoning Board of Appeals.
  - b. The escrow fee shall be held in the applicant's name and shall be used solely to pay these additional costs.
  - c. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal.
  - d. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal.
  - e. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal.
  - f. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on appeal.
- (Amendment 2004-03)

**C. Permit Issuance, Withholding, Expiration, and Revocation.**

1. Issuance: Whenever the buildings, structures, and uses as set forth in any application are in conformity with the provisions of this Ordinance, or a variance granted by the Zoning Board of Appeals, the Zoning Administrator shall issue the appropriate permit. A performance guarantee may be required as a condition to the issuance of any Land Use Permit in order to insure conformance with the requirements of this Ordinance (see *Section 3.06*). In any case where a permit is refused, the reasons shall be stated in writing to the applicant.
2. Withholding Permit: The Zoning Administrator shall withhold any Land Use Permit pending verification that an applicant has received required county, state or federal permits including but not limited to septic and water well permits; soil erosion and sedimentation control permits; wetlands permits; flood plain and culvert permits; driveway permits; or building permits. Likewise, wherever this Ordinance authorizes permit approval by the Planning Commission, the Planning Commission shall condition final approval of the requested development activity upon the receipt of any of the above mentioned county, state or federal approvals and/or direct the Zoning Administrator not to issue a Land Use Permit until said permits from other agencies have been obtained.
3. Expiration of Permit (Amendment 2016-01): Any land use permit granted for a use not requiring a site plan under Section 17 shall become null and void after one (1) year from the date of granting such land use permit unless the development proposed or activity authorized shall have passed its first building inspection by the County Building Inspector. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the land use permit application at least ten (10) days before such voidance is effective; provided, however, that the Zoning Administrator may waive or extend the period of time in which the land use permit is to expire if the Zoning Administrator is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction. Recognizing that uses, development and/or activities requiring a site plan review and

approval may face more complex or time-consuming issues in acquiring other permits or required environmental remediation measures prior to commencing with the development project, a land use permit issued shall be valid in accordance with the timetable approved by the Planning Commission as part of the site plan approval process. The timetable shall take into account the complexity of the project. In no instance shall a land use permit issued following the approval of a site plan be valid for a period of time in excess of the period of time established by the Planning Commission unless substantial activity has taken place in regard to the issuance of the land use permit. Substantial activity shall be defined in the findings of fact by the Planning Commission. The Zoning Administrator shall annually review progress on projects for which the land use permit is valid for a time period of longer than one year. The Zoning Administrator shall report the findings to the Planning Commission. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the land use permit application at least ten (10) days before such voidance is effective; provided, however, that the original approving body may waive or extend the period of time in which the land use permit is to expire if it is satisfied that the applicant is maintaining a good faith intention to proceed with construction. Should the Planning Commission determine that a project is not progressing per the agreed-upon timeline as established by the applicant and approved by the Planning Commission, the Commission make take action to revoke the land use permit. The land use permit may be renewable upon reapplication and upon payment of the original fee, subject to the provisions of all ordinances in effect at the time of renewal.

4. **Revocation (Amendment 2016-01):** The Zoning Administrator shall have the power to revoke or cancel any Land Use Permit issued for a use for which a site plan is not required. The revocation or cancellation shall be based upon failure or neglect to comply with any provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application. The applicant shall be notified of such revocation in writing. Revocation of a permit issued for a use subject to a site plan approval or a variance shall not occur until a hearing has been held by the body having granted the approval, with a finding being made by that body to authorize the revocation of the permit. Upon such revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said land use permit. Following a decision by the approving body to revoke the land use permit approval, the Zoning Administrator shall issue a stop work order. Failure to terminate the use for which the land use permit was revoked, other than for the purpose of correcting the violation, is declared to be a nuisance per se and a violation of this Ordinance. In projects for which a performance guarantee or bond has been posted, the guarantee or performance bond may be used at the discretion of the Township to restore the site to a safe condition.

**D. Relation to Nonconforming Uses:** It shall not be necessary for an owner of a legal nonconforming structure or use, existing on the effective date of this Ordinance, to obtain a Land Use Permit in order to maintain its legal, nonconforming status. However, no nonconforming building, structure, or use shall be renewed, changed, or extended pursuant to Article 19 until a Land Use Permit has been issued by the Zoning Administrator. In such cases the Permit shall state specifically how the nonconforming building, structure, or use differs from the provisions of this Ordinance.

**E. Occupancy Permit:** No structure or use shall be occupied without first receiving a certificate of occupancy permit from the Building Inspector.

### **Section 3.04 VIOLATIONS**

**A. Violations are Nuisances Per Se:** Violations of any provisions of this Ordinance are declared to be nuisances per se.

**B. Notice of Violation:** The Zoning Administrator shall inspect each alleged or apparent violation. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, said Zoning Administrator shall issue a Notice of Violation or an appearance ticket, in writing, which specifies all circumstances found to be in violation.

**C. Service of Notice:** Such notice shall be directed to each owner of, or a party in interest, in whose name the property appears on the last local tax assessment records. All notices shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records.

**D. Violation Correction Period:** All violations shall be corrected within a period of thirty (30) days after the violation notice is issued. Should a violation not be corrected within this time period the Zoning Administrator shall notify the owner, or party of interest in writing, of the time and place of a hearing to be held before the Township Board on the conditions causing the notice of violation. At said hearing the person to whom the notice is addressed shall have the opportunity to show cause why said violation should not be ordered to be corrected or why said action would cause an undue hardship.

**E. Hearing Before Township Board:** The Township Board shall take testimony of the Zoning Administrator, the owner of the property, and any other interested party or witness. Following the hearing, the Township Board shall make written findings as to the nature and extent of the violation, if any, and extenuating circumstances, if any. The Township Board may extend the time by which the violation(s) must be corrected for a period not to exceed six (6) months. However, the Township Board shall not allow such violations to exist longer than this period.

**F. Legal Action:** If the owner or party in interest fails to appear, or neglects to correct the violation within the time period specified by the Township Board, the Township Board shall transfer a report of their findings to the Township Attorney recommending that the appropriate action be taken. The Township Attorney may then initiate prosecution proceedings. If the threat to public health and or safety necessitates immediate action, this procedure may be omitted and the Township Board may initiate injunctive action in Circuit Court or any such other remedy provided by Law (see Section 3.05).

**Section 3.05 PENALTIES** (2006-03)

- A. Any person, partnership, limited liability company, corporation, or association who creates or maintains a nuisance per se as defined in Section 3.04 A of this Ordinance or who violates or fails to comply with any provision of the Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a civil municipal infraction and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of the Ordinance or prohibit the Township from seeking additional and/or equitable relief from any court to ensure compliance with the provisions of this ordinance.
- B. The Township Zoning Administrator and the Township Supervisor are hereby designated as the authorized Township officials to issue municipal civil infraction citations directing alleged violations of the Ordinance to appear in court.
- C. In addition to enforcing this Ordinance as a municipal civil infraction, the Township may initiate proceedings in circuit court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

**Section 3.06 PERFORMANCE GUARANTEE FOR COMPLIANCE**

**A. Purpose:** In authorizing any Land Use Permit or variance, the body or official which approves the respective request, as designated by this Ordinance, may require that a performance

guarantee or bond be furnished: (1) to insure compliance with the requirements, specifications and conditions imposed with the grant of such approval, permit or variance; (2) to insure the discontinuance of a temporary use by a stipulated time; and (3) to provide sufficient resources for the Township to complete required improvements or conditions in the event the permit holder does not.

**B. Requirements of Guarantee:** The performance guarantee shall meet the following requirements:

1. Improvements Covered: Improvements that shall be covered by the performance guarantee include, but are not necessarily limited to: streets and other roadways, utilities, fencing, screening, landscaping, common open space improvements, lighting, drainage and sidewalks
2. Form: The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the Township Treasurer, which names the property owner as the obligor and the Township as the obligee. If appropriate, based on the type of performance guarantee submitted, the Township shall deposit the funds in an interest bearing account in a financial institution with which the Township regularly conducts business.
3. Amount and Time Required: The amount of the performance guarantee or bond should be sufficient to cover the estimated cost of the improvements or conditions, according to a detailed cost estimate submitted by the applicant and approved by the planning Commission. After approval of the detailed cost estimate by the Planning Commission, the performance guarantee or bond shall be submitted at the time of issuance of the permit authorizing the activity of the project.

**C. Return of Performance Guarantee or Bond:** The following procedure shall be followed in the return of performance guarantees or bonds:

1. Request for Payment: As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the Township Clerk of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit a recommendation to the Planning Commission indicating either approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejections. The Planning Commission shall then transmit a recommendation to the Township Board indicating either approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejections, and the Township Board shall take final action on the request for payment. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.
2. Approval of Payment: The Planning Commission shall either approve, partially approve or reject the improvements or conditions with the recommendation of the Zoning Administrator's written statement and shall notify the obligor in writing of the action of the Planning Commission within forty-five (45) days after receipt of the notice from the obligor of the completion of the improvements. Where approval or partial approval is granted, the Planning Commission shall notify the Township Clerk of such approval and the Township Clerk shall release the approved payment to the applicant. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement or condition.
  - a. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee or bond, except for that portion adequately sufficient to secure provision of the improvements not yet approved.
3. Lack of Full Completion: Should installation of improvements begin and fail to meet full completion based on the approved Site Plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the Township may complete the necessary improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the improvements or conditions against the performance guarantee or bond. Any balance remaining shall be

returned to the applicant.

**D. Performance Guarantee for Razing of Building:** The Zoning Administrator may require a bond prior to the razing or demolition of principal structures and accessory structures having more than one hundred forty-four (144) square feet of floor area. The amount of the performance guarantee shall be determined according to a guideline of one thousand dollars (\$1,000.00) for each one thousand (1,000) square feet or fraction thereof of floor area of the structure to be razed. A guarantee shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator, Fire Chief or the Township Board may from time to time prescribe, including filling of excavations and proper termination of utility connections.

**E. Record of Performance Guarantees:** A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

**Section 3.07 PUBLIC NOTICE (Amendment 2007-01)**

Applications submitted to the township under this zoning ordinance which require public notice and hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and the other provisions of this section with regard to public notification.

A. **Responsibility:** When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, and, unless otherwise specified in this Ordinance, the Township Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Leland Township and mailed or delivered as provided in this Section.

B. **Content:** All mail, personal and newspaper notices for public hearings shall:

1. **Describe nature of the request:** Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
2. **Location:** Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
3. **When and Where the request will be considered:** Indicate the date, time and place of the public hearing(s).
4. **Places and Times to View Request Documents:** Indicate the time and location at which documents related to the request, including proposed text and any maps of the Zoning Ordinance, may be examined.
5. **Written Comments:** Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.

C. **Personal and Mailed Notice:**

1. **General:** When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
  - a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
  - b. To all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located within the boundaries of Leland Township, except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that

- does not involve a specific property. If the name of the occupant is not known, the term "occupant" may be used in making the notification.
- c. Any electric, gas and pipeline public utility, each telecommunication service provider, each railroad operating within the district or zone affected, and airport manager of each airport, that registers its name and mailing address with the Leland Township Clerk for the purpose of receiving notice pursuant to Section 3.08, Registration to Receive Notice by Mail.
2. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, posted paid. If another personal delivery service is to be used, notice shall be deemed effectuated upon proper execution of process of that service. An affidavit of all mailings including a list of property owners and registrants to whom notice was provided, and type of delivery service, shall be maintained.
- D. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, or this Ordinance where applicable, notice of a public hearing shall be provided not less than fifteen (15) days before the date the application will be considered for approval.

**Section 3.08 REGISTRATION TO RECEIVE NOTICE BY MAIL (2007-01)**

- A. General: Any public utility company, railroad or any other person may register with the Leland Township Clerk pursuant to Section 3.07.C.1(c) to receive written notice of any or all applications submitted under this zoning ordinance which require a public hearing. Or requests for written notice of any or all applications for development approval within the zoning district in which the requester is located may also register pursuant to Section 3.07.C.1(c). The Leland Township Clerk shall be responsible for providing this notification. Fees may be charged for the provision of this notice, as established by the Township Board.

# Article 4

## ZONING BOARD OF APPEALS

### **Section 4.01 INTENT AND PURPOSE**

The purpose of this Article is to insure that the objectives of this Ordinance are fully and equitably achieved, that a means be provided for competent interpretation of this Ordinance, that flexibility be provided for in the strict application of this Ordinance, that the spirit of the Ordinance be observed, public safety secured, and substantial justice done.

### **Section 4.02 CREATION AND MEMBERSHIP**

**A. Establishment:** A Zoning Board of Appeals first established by the Zoning Ordinance adopted January 14, 1980, is hereby retained in accordance with Act 184 of the Public Acts of 1943, as amended, and shall consist of five (5) members: a member of the Planning Commission; and the remaining members appointed by the Township Board from the electors residing in the Township outside of incorporated cities and villages. A member of the Township Board may serve on the Zoning Board of Appeals but not serve as the chairperson. The Zoning Administrator or other employee or contractor of the Township Board may not serve on the Zoning Board of Appeals.

**B. Appointment of Members:** The Township Board may appoint not more than two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. No alternate member may be either a member of the Township Board or the Planning Commission. The alternate members may be called as needed, on a rotating basis, to sit as regular members of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more consecutive meetings of the Zoning Board of Appeals. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member shall serve on a case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals. (Amendment 2007-01)

**C. Terms of Office:** Members shall be appointed for three (3) year terms except in the case of Planning Commission and Township Board members, whose terms shall be limited to the time they are members of the Planning Commission or Township Board. A successor shall be appointed not more than one (1) month after the term of the preceding member has been expired. Vacancies for unexpired terms shall be filled for the remainder of the term. Members may be reappointed. Members of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing. (Amendment 2007-01)

**D. Conflict of Interest:** A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure to do so shall constitute malfeasance in office. (2007-01)

### **Section 4.03 ORGANIZATION**

**A. Rules of Procedure:** The Zoning Board of Appeals may adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The Board shall annually elect a chairperson, a vice-chairperson, and a secretary.

**B. Meetings and Quorum:** Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the Board in its Rules of Procedure may specify. A majority of the total membership of the Board shall comprise a quorum. The Board shall not conduct official business unless it has a quorum. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act.

**C. Oaths and Witnesses:** The chairperson may administer oaths and compel the attendance of any witness in order to insure a fair and proper hearing.

**D. Records:** The minutes of all meetings shall contain the grounds for every determination made by the Board including all evidence and data considered, all findings of fact and conclusions drawn by the Board for every case, along with the vote of each member and the final ruling on each case. The Zoning Board of Appeals shall file its minutes in the office of the Township Clerk.

**E. Legal Counsel:** An attorney for the Township shall act as legal counsel for the Zoning Board of Appeals pursuant to procedures established by the Township Board.

#### **Section 4.04 JURISDICTION**

The Zoning Board of Appeals shall act upon questions as they arise in the administration of this Ordinance. The Board shall perform its duties and exercise its powers as provided in Act 184 of the Public Acts of 1943, as amended. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have the power to act on those matters for which this Ordinance provides an administrative review, interpretation, variance, or temporary zoning permit. Within this capacity the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator, Planning Commission, or any official administering or enforcing the provisions of this Ordinance as set forth in Section 4.05.

#### **Section 4.05 AUTHORIZED APPEALS**

The Zoning Board of Appeals shall hear the following specified categories of appeals in accordance with the following standards:

**A. Administrative Review:** The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other official or by the Planning Commission in administering or enforcing the provisions of this Ordinance.

**B. Interpretation of the Ordinance:** The Zoning Board of Appeals shall hear and decide upon requests to:

1. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request the Zoning Board of Appeals shall insure that its interpretation is consistent with the intent and purpose of the Ordinance, the Article in which the language in question is contained, and all other relevant provisions in the Ordinance.
2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator (*see Section 9.04*).
3. Classify a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. Where there is no comparable permitted or prohibited use, the Zoning Board of Appeals shall so declare, the effect being that use is not permitted in the Township until or unless the text of the Ordinance is amended to permit it.
4. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Article 21, Off Street Parking and Loading, by an analysis of the specific needs. If no comparable use is found, the Zoning Board of Appeals shall so inform the petitioner and indicate that the parking space requirements will have to be established by amendment of the Ordinance.

**C. Variances:** The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements such as lot area and width regulations, building height and

bulk regulations, yard width and depth regulations, off-street parking and loading space requirements, and sign requirements of this Ordinance.

1. Required Findings: The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements provided that all the required findings listed below are met and the record of proceedings of the Zoning Board of Appeals contains evidence supporting each conclusion.
  - a. That there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
  - b. That a genuine practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district, and shall not be recurrent in nature.
  - c. That the hardship or special conditions or circumstances do not result from actions of the applicant.
  - d. That the variance will relate only to property under control of the applicant.
  - e. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.
  - f. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
  - g. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.
  - h. That the variance shall not permit the establishment, within a district, of any use which is not permitted by right within that zoning district.

#### **Section 4.06 APPEAL PROCEDURES**

##### **A. Notice of Appeal**

1. Ordinance Interpretation and Variances: Appeal requests for Ordinance interpretation and requests for variances may be made to the Zoning Board of Appeals by any person aggrieved, or by an officer, or department of the Township, by completing and filing a written Notice of Appeal with the Zoning Administrator on forms established for that purpose and accompanied with such information as is necessary to decide such request. Upon receipt of a Notice of Appeal, the Zoning Administrator shall promptly transmit records concerning the appealed action, as well as any related information to the chairperson of the Zoning Board of Appeals.
2. Administrative Review: Where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other official or by the Planning Commission in administering or enforcing the provisions of this Ordinance, a written Notice of Appeal shall be completed and filed with the Township Clerk on forms established for that purpose within ten (10) days after the date of the decision being appealed.

**B. Fee:** A fee as established by the Township Board, shall be paid to the Township at the time the petitioner files a Notice of Appeal with the Zoning Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, hearing records and other expenses incurred by the Board in connection with the appeal. No fee shall be charged if the Township Board, Zoning Administrator, or any official body of the Township is the moving party.

**C. Scheduling and Notice of Hearing:** Upon receipt of a Notice of Appeal, the chairperson of the Zoning Board of Appeals shall fix a reasonable time and date for a public hearing. Notice of the hearing shall be given as required in Article III, Section 3.07. If the hearing, in the opinion of the Zoning Administrator and chairperson of the Zoning Board of Appeals, concerns matters of general

applicability in the Township and does not concern only individual lots or parcels, such notice shall also be given in a newspaper of general circulation in the Township. (Amendment 2007-01)

**D. Hearing:** At the hearing, any party may appear in person or by agent or attorney. The Board may recess such hearing from time to time, and, if the hearing is recessed for less than 36 hours and the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required. If the hearing is recessed for more than 36 hours, a public notice stating the time and place of the hearing shall be posted at least 18 hours before the meeting. (Amendment 2007-01)

**E. Decision:** The Zoning Board of Appeals shall render its decision within sixty (60) days of filing of a Notice of Appeal, or application for Ordinance interpretation or variance, unless in the opinion of the Zoning Board of Appeals, an extension of time is necessary to review information pertinent to making the decision. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant on any matter upon which they are required to pass under or to effect any variation in this Ordinance. Any decision of the Zoning Board of Appeals shall not become final until the expiration of eight (8) days from the date of entry of such order, unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record. (Amendment 2007-01)

1. **Basis:** An appeal of an administrative decision to the Zoning Board of Appeals shall not be granted if the Zoning Board of Appeals finds that the approving body followed required procedures in arriving at its decision, and if the approving body's decision was reasonable based upon the record.
2. **Conditions:** In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance (*See Section 18.14*). Violations of such conditions and safeguards, if made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the permit. (Amendment 2007-01)
3. **Variance Authorization Period:** Each variance granted under the provisions of this Ordinance shall become null and void unless the construction, occupancy or other actions authorized by such variance have commenced within one (1) year of the granting of such variance. Upon written application filed with the Zoning Administrator prior to the termination of the one year time period, the board of Appeals may authorize a single extension of the time limit for an additional period of not more than one year upon the finding by the Board of Appeals that the project has a reasonable expectation of being continued to construction.

**F. Rehearing:** No rehearing on a application denied by the Zoning Board of Appeals shall be permitted except on the grounds of newly discovered evidence or a statement of fact previously relied upon which is found to be incorrect, upon inspection by the Zoning Board of Appeals. A rehearing shall be processed in the same manner as the original application, including a new fee unless initiated by the Zoning Board of Appeals or Township Board. A request for rehearing shall be made within eight (8) days. No Zoning Permit shall be granted which relies upon a variance before eight (8) days following the decision of the Zoning Board of Appeals have expired.

**G. Reapplication:** After eight (8) days following a decision by the Zoning Board of Appeals, no application for a variance, Ordinance interpretation, or appeal of an administrative decision, which has been denied wholly or in part by the Zoning Board of Appeals, shall be resubmitted for a period of one (1) year from the date of the last denial, except on proof of changed conditions found upon inspection by the Zoning Board of Appeals to be valid.

**H. Performance Guarantee:** In authorizing any variance, or in granting any temporary housing permits, the Zoning Board of Appeals may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of

conditions or improvements associated with a project for which zoning approval is sought, be deposited with the Township Clerk to insure faithful conformance with the conditions or completion of the improvements. Such performance guarantee shall be collected and returned pursuant to the requirements of Section 3.06.

**Section 4.07 STAY**

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal has been filed with the Zoning Administrator, that by reason of facts stated in the certificate a stay would, in the Administrator's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals, or, on application, by court of record.

**Section 4.08 REVIEW BY CIRCUIT COURT**

**A. Circuit Court Review:** The decision of the Zoning Board of Appeals shall be final. However, any party aggrieved by an order, determination or decision of the Zoning Board of Appeals may obtain a review thereof both on the facts and the law, in the Circuit Court; provided that application is made to the Court within thirty (30) days after the delivery of a final decision. (Amendment 2007-01)

**B. Standards for Review:** The Circuit Court shall review the record and decision of the Zoning Board of Appeals to insure that the decision:

1. Complies with the constitution and laws of the State.
2. Is based upon proper procedure.
3. Is supported by competent, material, and substantial evidence on the record.
4. Represents the reasonable exercise of discretion granted by the Board of Appeals.

**C. Inadequate Record:** If the Court finds the record of the Zoning Board of Appeals inadequate to make the review required, or that additional evidence exists which is material and with good reason was not presented to the Board of Appeals, the Court shall order further proceedings before the Board of Appeals on conditions which the Court considers proper. The Board of Appeals may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. Any supplementary record and decision shall be filed with the Court.

**D. Authority of Court:** As a result of the review required by this Section, the Court may affirm, reverse, or modify the decision of the Zoning Board of Appeals.

# Article 5

## PROCEDURES FOR AMENDMENTS

### **Section 5.01 PURPOSE AND INTENT**

The purpose of this Ordinance is for establishing and maintaining sound, stable and desirable development within the territorial limits of the Township. It is intended that this Ordinance be amended only to correct an error in the Ordinance, to address changed or changing conditions in a particular area in the Township, to conform with changes to the Comprehensive Development Plan and/or other ordinances of the Township, to meet public need for new or additional land uses in areas so contemplated by the Comprehensive Development Plan, or to further protect the environment, neighborhoods, public infrastructure or other public investment in the Township.

### **Section 5.02 INITIATION OF AMENDMENTS**

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

### **Section 5.03 FILING FEE**

The Township Board shall establish by resolution, a fee to be paid in full at the time of receipt of any application to amend this Ordinance. Said fee shall be collected by the Township Clerk and no part shall be refundable to the applicant. No fee shall be charged when the applicant is the Township Board or Planning Commission.

### **Section 5.04 PROCEDURES**

**A. Application:** A petitioner shall submit a completed application for ordinance amendment to the Zoning Administrator on a form established for that purpose, which shall include a detailed description of the proposed amendment. When the petition involves a change in the Zoning Map, an application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment, and the applicant shall submit the following information:

1. A legal description of the property.
2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
3. The name and address of the applicant.
4. The applicant's interest in the property, and if the applicant is not the owner, the name and address of the owner.
5. Date of filing with the Township Zoning Administrator.
6. The desired change and reasons for such change.
7. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

**B. Action of Zoning Administrator:** The Zoning Administrator shall review the application form to ensure it is complete. Any application not properly filed or complete shall be returned to the applicant. Complete applications shall be transmitted to the Planning Commission.

**C. Notice of Hearing:** After the Zoning Administrator has transmitted the amendment application to the Planning Commission, the Planning Commission shall establish a date for a public hearing on the application which will be conducted by the Planning Commission within sixty (60) days of the date of application receipt. The Planning Commission shall arrange for notice of the public hearing as provided in Section 3.07. (Amendment 2007-01)

1. By two (2) publications in a newspaper of general circulation in the Township, the first to be printed not more than thirty (30) days, nor less than twenty (20) days and the second no more than eight (8) days before the date of the hearing.

2. For any proposed amendment to the Zoning Map affecting an individual property or several adjacent properties, written notice of the time and place of the hearing shall be delivered by mail, or personally, to the owner or owners of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of single and two family dwellings within three hundred (300) feet of the premises in question. The notice shall be delivered at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. The notice shall be made at least eight (8) days prior to the hearing. Requirements of written notice to property owners shall not apply to comprehensive revisions to the Zoning Ordinance.
3. Written notice of the time and place of the hearing shall also be provided not less than twenty (20) days before the hearing to each electric, gas, pipeline, and telephone public utility company who registers its name and mailing address with the Township Planning Commission for the purpose of receiving the notice.
4. All notices shall also include the places and times at which the tentative text and any maps of the Zoning Ordinance may be examined.
5. An affidavit of all mailings shall be maintained.

**D. Planning Commission Actions**

1. Planning Commission Review: In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application. Findings of fact shall be gathered and shall be made a part of the public records of the meetings of the Planning Commission. The matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
  - a. What, if any, identifiable conditions related to the application have changed which justify the proposed amendment?
  - b. What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
  - c. What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
  - d. Does the petitioned district change adversely affect environmental conditions, or the value of the surrounding property?
  - e. Does the petitioned district change generally comply with the adopted Comprehensive Development Plan?
  - f. Is the property in question able to be put to a reasonable economic use in the zoning district in which it is presently located?
2. Outside Agency Review: In determining the above mentioned findings of fact, the Planning Commission may solicit information and testimony from officials of, but not limited to, the County Health Department, County Road Commission, County Drain Commission, any school district affected, and the County Planning Commission.
3. Planning Commission Recommendation: The Township Planning Commission shall transmit its findings of fact and a summary of comments received at the public hearing to the County Planning Commission and Township Board. The Township Planning Commission shall report its findings in full along with its recommendations for disposition of the application, to the County Planning Commission and Township Board within a period of sixty (60) days following the required public hearing in subsection (C) above.

**E. Township Board Actions**

1. After receiving and reviewing the findings and recommendations of the Township Planning Commission, and the recommendations of the County Planning Commission if received within thirty (30) days of receipt from Township Planning Commission's recommendations, the Township Board at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the proposed amendment. Such action shall be by Ordinance,

- requiring a majority vote of the Township Board.
2. The Township Board shall not deviate from the recommendation of the Township Planning Commission without first referring the application back to the Planning Commission, which shall have thirty (30) days after such referral in which to make further recommendation to the Township Board, after which the Township Board shall take such action as it determines. In the event that the Township Board refers an application back to the Planning Commission, the Township Board shall make specific mention of their objections to results of the Planning Commissions findings and recommendations.

**F. Publication Of Notice Of Ordinance Amendments:** Following adoption of subsequent amendments to this Ordinance by the Township Board, one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice shall include the following information:

1. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
2. The effective date of the amended Ordinance.
3. The place and time where a copy of the amended Ordinance may be purchased or inspected.

**Section 5.05 RESUBMITTAL**

No application for an amendment to the Zoning Map which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly-discovered evidence or proof of changed conditions, found upon inspection by the Township Board to be valid.

**Section 5.06 COMPREHENSIVE REVIEW OF ZONING ORDINANCE**

The Planning Commission shall, from time to time, or at intervals of not more than five (5) years, examine the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the Township Board recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

# Article 6 PROCEDURES FOR SITE PLAN & PLOT PLAN REVIEW

## **Section 6.01 PURPOSE**

It is the purpose of this Article to specify standards, data requirements, and the review process which shall be followed in the preparation of site plans and plot plans as required by this Ordinance.

## **Section 6.02 APPROVAL OF SITE PLAN OR PLOT PLAN REQUIRED**

**A. Planning Commission Approval for Site Plans:** Site plan approval is required by the Planning Commission, prior to the issuance of a Land Use Permit, for the following land uses, including modifications to the location of perimeter walls or outdoor use areas of such existing uses:

1. All uses by right within any general commercial or industrial zoning district, excluding single family dwellings. (Amendment 1996-02)
2. All uses by right, excluding single-family dwellings, where one or more of the following conditions exist (Amendment 2014-01):
  - a. The site exceeds slopes of 24 percent.
  - b. The proposed development will require the removal of trees at a rate of more than 12 trees in excess of ten inches in trunk diameter, measured five feet from the ground, per acre of land to be disturbed by the development due to construction activities or improvements, including grading.
  - c. The proposed development is required to meet the provisions of one or more of the following:
    - 1) Michigan Wetlands Protection Act, P.A. 203 of 1979, as amended.
    - 2) Shorelands Protection and Management Act, P.A. 245 of 1970, as amended.
    - 3) Michigan Sand Dunes Protection and Management Act, P.A. 222 of 1976, as amended.
  - d. The site is characterized by unique conditions which, in the opinion of the Zoning Administrator or Planning Commission, requires special review including, but not limited to rare or valuable ecosystems and archeological sites and historical areas.
3. All special land uses, as specified in each zoning district, including planned unit developments whether a new development or a change of use, except as otherwise specified by this Ordinance. (Amendment 2014-01)

**B. Zoning Administrator Approval for Plot Plans (Amendment 2014-01):** Plot Plan approval is required by the Zoning Administrator, prior to the issuance of a Land Use Permit, for all other uses not listed in Section 6.02 (A)(1-6) above, including any change of permitted use meeting the minor change criteria. The Zoning Administrator shall review such plans in accordance with the same procedures, requirements and standards used by the Planning Commission as specified in Section 6.05.

### **Section 6.03 DATA REQUIRED**

**A. Plot Plans:** The following data shall be submitted with applications for Land Use Permits for uses requiring a plot plan:

1. A dated, accurate, readable scale drawing showing the following shall be required except in the case of minor alterations, repair, and demolitions as determined by the Zoning Administrator. The Zoning Administrator may establish and make available in the office of the Township Clerk written guidelines as to the scale and level of detail needed for applications for various types of uses requiring a Land Use Permit, or for information to be submitted to the Zoning Board of Appeals in order to make a decision on an appeal, request for Ordinance interpretation or variance.
  - a. Name, address and telephone number of the applicant (and owner if different) and the address to which all Township correspondences should be mailed.
  - b. The location, shape, area and dimension of the lot.
  - c. The location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the lot.
  - d. A description of proposed use of the building(s), land or structures.
  - e. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other users.
  - f. The yard, open space and parking lot dimensions, parking space dimensions, and number of spaces.
  - g. A vicinity sketch showing the location of the site in relation to the surrounding street system, and adjacent land uses within three hundred (300) feet in every direction including on the opposite side of any public thoroughfare.
  - h. Location of any septic system or drain field and well.
  - i. Configuration of the driveway and parking, county drains and site drainage patterns.
  - j. Existing public right-of-ways or easements.
  - k. Any other information deemed necessary by the Zoning Administrator to determine and provide for the enforcement of this Ordinance.

**B. Site Plan:** Each site plan shall be dated and provided on a professional quality drawing of scale not less than 1"=100'. All information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan whose seal shall be affixed to the plan. In addition to the applicant's full name, address, phone number and the address to which all Township correspondences should be mailed, the following data shall be submitted with applications for Land Use Permits for uses requiring a site plan:

1. A survey showing property dimensions and legal description, including angles, parcel or lot number, lot area, and an arrow pointing north.
2. A vicinity sketch showing the location of the site in relation to the surrounding street system and other land uses within three hundred (300) feet in every direction of the proposed use including land uses on the opposite side of any public thoroughfare(s).
3. Natural features such as woodlands; flood plains, county drains, lakes, streams, and ponds; topography (at two-foot intervals on-site and within one hundred fifty (150) feet of the site) including the identification of slopes twenty-five (25) percent or greater; archeological sites and historical areas; rare and valuable ecosystems including swamp and marsh areas; sensitive environmental areas identified by the State of Michigan; hydric soils and soils characterized by percolation rates greater than one (1) inch per five (5) minutes and less than one (1) inch per forty-five (45) minutes, according to the Natural Resources Conservation Service; and lands regulated by the following:
  - a. Michigan Wetlands Protection Act, P.A. 203 of 1979, as amended.
  - b. Shorelands Protection and Management Act, P.A. 245 of 1970, as amended.
  - c. Michigan Sand Dunes Protection and Management Act, P.A. 222 of 1976, as amended.

Also, a map shall be prepared showing the location of all creeks, streams, lakes, ponds,

- and wetland or marshy areas within fifteen hundred (1,500) feet of the property.
4. Existing man-made features such as roads and structures, with indication as to which are to be retained and which removed or altered.
  5. Project description, including the total number of structures and their respective heights, dwelling units, bedrooms, offices, square feet, total and usable floor area, carports and garages, employees by shift, amount of recreational and open space including waterfront structures and the number of docks, type of recreation facilities to be provided, and related information as pertinent or otherwise required by this Ordinance.
  6. Existing and proposed public right-of-way, private easements, and deed restrictions.
  7. Proposed streets and alleys, (including cross-sections), acceleration, deceleration or right turn lanes, driveways, parking spaces, sidewalks, with indication of direction of travel, the inside radii of all curves including driveway curb returns. The width of streets, driveways and sidewalks, the total number of parking spaces, and dimensions of a typical individual parking space and associated aisles. Proposed traffic control measures (including signs) and proposed street or road names shall also be indicated.
  8. Location of utilities, water supply and the location and design of waste water systems as well as any easements that exist or are proposed to be established for installation, repair and maintenance of utilities.
  9. Proposed location of trash receptacles, accessory buildings and uses, including free standing signs.
  10. Location, size, and specifications of all signs and advertising features with construction details, including cross-sections.
  11. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
  12. A landscaping plan indicating the locations of plant materials to be preserved and locations of proposed planting and screening, fencing, and lighting in compliance with the requirements of Article 23, Landscaping and Screening. Also, proposed locations of common open spaces, if applicable, and the location of any significant views from the property or from adjacent areas.
  13. A storm drainage and storm water management plan for all streets.
  14. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
  15. Location of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water or waste water. The point of discharge for all drains and pipes shall also be specified on the site plan.
  16. Expected project completion schedule.
  17. A statement from the applicant identifying all other federal, state and local permits required, if any.
  18. Location of any agricultural buffers pursuant to Section 10.01(D)(4).
  19. Such other information as is necessary to enable the Planning Commission to determine whether the proposed site plan will conform to the provisions of this Ordinance.
  20. (Amendment 2006-04) The Planning Commission may waive, in whole or in part, or modify any of the above site plan requirements (including the implied requirements embedded in the introductory paragraph), with the exception of those items listed below, where at least one of the following findings are documented, including the rationale for each finding:

Findings Requirements

1. The requirement is not applicable to the proposed development.
2. The data will serve no useful purpose and/or no good public purpose will be achieved by requiring strict conformance with the listed requirement.
3. Circumstances have not significantly changed on the property since the last time detailed information on the site was submitted.
4. Another reasonable circumstance or condition exists.

6.03(B) Sections (or portions thereof) which shall **not** be modified or waived

- # 1 Only the survey portion may be modified or waived.
- # 5 All may be modified or waived *except* for a basic project description.
- # 6
- #16
- #17
- #19

Notes:

1. Planning Commission Approval of a request for Waiver and/or modification of data required from the applicant in no way releases the applicant from the requirements contained in this Ordinance.
2. For each request for modification or waiver of data requirements, the applicant shall provide to the Planning Commission, in writing, its rationale using at least one of the four findings requirements listed above.
3. Prior to submission of an application to the Zoning Administrator, the applicant shall provide a written preliminary project description to the Planning Commission 7 days in advance of a scheduled meeting which includes applicant's rationale for requested data modifications or waivers. Applicant shall attend the meeting at which the request is to be considered. The Planning Commission may make a site visit.
4. The Planning Commission will provide the applicant and the Zoning Administrator a list of the approved data requirements which have been waived or modified, prior to submission of the application.
5. The Planning Commission is under no obligation to waive or modify any data requirement.

**Section 6.04 SITE PLAN REVIEW PROCEDURES** (Amendment 2004-04)

**A. Submittal and Distribution of Site Plans (Amendment 2014-01):** The applicant shall consult with the Zoning Administrator prior to submitting an application to review the proposed site plan. Prior to submitting an application to the Zoning Administrator, the applicant shall submit a copy of the proposed site plan and relevant supplemental information to each of the following entities for comment:

1. Fire Department
2. County Road Commission
3. District Health Department
4. County Drain Commissioner
5. County Construction Code Office
6. Other agencies as may be relevant, including the Department of Natural Resources and the Natural Resources Conservation Service.

Three copies of the application, site plan and agency comments shall be submitted to the Zoning Administrator. The Planning Commission Chair (or designated agent/s and/or consultants) and Zoning Administrator shall review the application and site plans for completeness. If such application or plans are not complete according to Section 6.03.B, a written notice shall be provided identifying the inadequacies of the plans and any additional information required. Once the application submittal materials are determined to be complete, an additional ten hard copies and one electronic copy of all application materials shall be submitted to the Zoning Administrator.

**B. Review:** The Planning Commission shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance and the provisions of Section 6.05.

**C. Action:** After conducting a review, the Planning Commission shall reject, approve, or

conditionally approve the site plan, as it pertains to requirements and standards contained in the Zoning Ordinance. Any conditions required by the Planning Commission shall be stated in writing and shown on the site plan, together with the reasons, and delivered to the applicant. Decisions by the Planning Commission shall be made within sixty (60) days of the receipt of the completed application unless, in the opinion of the Planning Commission, an extension of time is necessary to adequately collect and review information pertinent to a decision. A Site Plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.

**D. Approved Site Plans:** Three (3) copies of the approved Site Plan, with any conditions contained within shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Chairperson of the Planning Commission for identification of the approved plans. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the site plan and delivered to the applicant for information and direction.

#### **Section 6.05 SITE PLAN APPROVAL STANDARDS**

Each site plan shall conform with the applicable provisions of this Ordinance and the standards listed below:

**A.** All elements of the Site Plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

**B.** The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree, other vegetative material, and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas. Landscape elements shall minimize negative impacts and, in the case of parking lots, provide directional guidance to drivers. Landscaping, buffering, and screening shall conform with the requirements of Article 23, Landscaping and Screening.

**C.** Special attention shall be given to proper site drainage so that removal of storm waters will not increase off-site sedimentation or otherwise adversely affect neighboring properties due to flooding.

**D.** The site plan shall provide reasonable, visual, and sound privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

**E.** All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

**F.** Every structure or dwelling unit shall have access to a public street, walkway, or other area dedicated to common use.

**G.** There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.

**H.** Exterior lighting shall be designed and arranged so that it is deflected away from adjacent streets and adjoining properties. Flashing or intermittent lights shall not be permitted.

**I.** The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area.

Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way according to the standards of the County Road Commission.

**J.** All streets shall be developed in accordance with County Road Commission specifications, unless specifically provided for otherwise in this Ordinance.

**K.** All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at access and egress points to intersecting roads, including the use of service drives as appropriate, and minimize the negative visual impact of such parking areas.

**L.** When abutting major or minor thoroughfares, residential and nonresidential development shall not include unnecessary curb cuts and shall use shared drives and/or service drives where the opportunity exists unless precluded by substantial practical difficulties.

**M.** The site plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible.

**N.** Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary state and federal permits before the final site plan approval is granted.

**O.** The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment including:

1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, ground water, lakes, streams, rivers, or wetlands.
2. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan ground water discharge permit.
3. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.

#### **Section 6.06 PRELIMINARY SITE PLAN REVIEW OPTION**

Developments requiring site plan review which exceed ten (10) acres in size, or which will be developed in phases, may seek approval of a preliminary site plan, the purpose of which is to indicate the general design and layout of the project.

**A. Preliminary Review Application:** Applications for preliminary site plan approval shall be submitted to the Zoning Administrator on a special form for that purpose and shall consist of the following:

1. Fifteen (15) copies of a completed application form supplied by the Zoning Administrator.
2. Fifteen (15) copies of the preliminary site plan at a scale of not less than one (1) inch equals one hundred (100) feet with the following minimum information:
  - a. Property dimensions.
  - b. Topographic elevations at two feet intervals.
  - c. Natural features such as woodlands; flood plains, county drains, lakes, streams, and ponds; topography (at two-foot intervals on-site and within one hundred fifty (150) feet of the site) including the identification of slopes twenty-five (25) percent or greater; archeological sites and historical areas; rare and valuable ecosystems including swamp and marsh areas; sensitive environmental areas identified by the State of Michigan; hydric soils and soils characterized by percolation rates greater

than one (1) inch per five (5) minutes and less than one (1) inch per forty-five (45) minutes, according to the Natural Resources Conservation Service; and lands regulated by the following:

- (1) Michigan Wetlands Protection Act, P.A. 203 of 1979, as amended.
  - (2) Shorelands Protection and Management Act, P.A. 245 of 1970, as amended.
  - (3) Michigan Sand Dunes Protection and Management Act, P.A. 222 of 1976, as
- d. Existing public right of way, pavements, and/or private easements.
  - e. Existing and proposed uses, buildings, structures, and lots.
  - f. Zoning classification of abutting properties.
  - g. The name and address of the person and firm who prepared the plan and the date on which the plan was prepared.
  - h. The Planning Commission may require written statements relative to the effects on the existing traffic capacity of streets, and the proposed development's impact on schools, existing utilities, the environment or natural resources.

**B. Planning Commission Review and Action:** The Planning Commission shall review the preliminary site plan and approve, approve with conditions, or deny the plan, based on compliance with the standards of Section 6.05. If denied, the Planning Commission shall cite reasons for denial. If approved, the applicant may submit a final site plan for the development or a phase of the development.

1. Approval of the preliminary site plan is valid for a period of six (6) months. If a final site plan for the development, or any phase of the development, has not been submitted during that period, the approval of the preliminary site plan shall be null and void. This time limit may not be extended by the Planning Commission. Preliminary site plans whose approval has expired shall be required to resubmit and be processed for approval according to this Section.

#### **Section 6.07 CONFORMITY TO APPROVED SITE PLANS**

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the Planning Commission. If construction and development does not conform with such approved plans, the approval shall be revoked by the Zoning Administrator pursuant to the procedure in Section 3.03(C)(4). Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation.

#### **Section 6.08 CHANGES AND APPEALS**

- A. Amendment to the Site Plan (Amendment 2014-01):** No changes shall be made to an approved Site Plan prior to or during construction except upon mutual agreement between the applicant and the Township or Zoning Administrator according to the following procedures;
1. **Major Changes:** Major changes or amendments to an approved Site Plan involving changes that significantly alter the approved design or layout and/or the intensity or impact due to change is likely to be greater than that which was originally approved. Major changes shall include changes in the location or extent of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls if such changes will impact the original approval standards or conditions or approval, or negatively impact neighboring properties; the number and location of accesses to public streets and alleys; a reduction in the number of parking spaces; an increase in the gross floor area or heights of buildings; a reduction in the open space; and similar major changes, shall require the approval of the Planning Commission, in the same manner as the original application was submitted, reviewed, and approved and subject to the finding of all of the following:
    - a. Such changes will not adversely affect the initial basis for granting approval;
    - b. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this Article; and
    - c. Such changes shall not result in the reduction of open space area as required

herein.

Minor changes to an approved Site Plan upon which the Zoning Administrator defers judgment to the Planning Commission shall be treated as a major change.

2. Minor Changes: Minor changes to an approved Site Plan (including a Site Plan associated with a Special Land Use approval) which still meet all Zoning Ordinance requirements and the conditions of the original approval, in addition to not meeting the major change criteria listed in 6.08.A.1 above, may be approved by the Zoning Administrator. The Zoning Administrator may at his or her discretion request the Planning Commission to review the proposed minor change.
3. Deferred to PC: Changes to an approved Site Plan, which do not technically meet the requirements for a major change, but which the Zoning Administrator at his or her discretion has deferred to the Planning Commission for review, shall be reviewed under the process for a site plan review for a permitted use.

**B. Amendments to a Plot Plan:** The Zoning Administrator shall review proposed changes to an approved Plot Plan in accordance with the same procedures, requirements, and standards used by the Planning Commission as specified in Section 6.05. Changes to a Plot Plan which contain elements which require Site Plan approval according to Section 6.02(A) shall require that the entire project be processed as a Site Plan according to the procedures of Section 6.04.

**C. Appeals:** With regard to Site Plan and Plot Plan approval decisions, an appeal may be taken to the Zoning Board of Appeals in the manner as other administration decisions. The concurring vote of a majority of the members of said Board shall be necessary to reverse any decision by the Planning Commission, or to decide in favor of the applicant. The appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the Township, County, or State. The Zoning Board of Appeals shall state the grounds of each determination.

# Article 7 PROCEDURES FOR SPECIAL LAND USES and PLANNED UNIT DEVELOPMENTS

## **Section 7.01 PURPOSE AND INTENT**

**A. Special Land Uses:** It is the intent of this Ordinance to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for the investor or developer, but that will, at the same time, promote the intent and purpose of this Zoning Ordinance, and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses. In order to provide control and reasonable flexibility, this Article permits detailed review of certain specified types of land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land uses and structures possessing these characteristics may be authorized within certain zoning districts by the issuance of a Land use Permit for a Special Land Use. By such a procedure, the Planning Commission and Township Board shall have the opportunity to impose conditions upon each use which are deemed necessary for the protection of the public welfare. Such conditions shall be based on standards in this Ordinance.

1. **Planned Unit Developments:** It is also the intent of this Article to establish procedures which offer an alternative to traditional residential and commercial development patterns through the use of planned unit development legislation, as authorized by Section 16(c) of the Township Rural Zoning Act (Public Act 184 of 1943, as amended) for the purpose of:
  - a. encouraging the use of Township land in accordance with its character and adaptability;
  - b. assuring the permanent preservation of open space, woodlands, and other natural resources;
  - c. allowing innovation and greater flexibility in the design of residential developments;
  - d. facilitating the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
  - e. ensuring compatibility of design and use between neighboring properties; and,
  - f. encouraging a less sprawling form of development, thus preserving open space as undeveloped land.

Approval standards for special land uses are included in Article 16, Standards for Special Land Uses, except that approval standards for planned unit developments are included in Article 17, Standards for Planned Unit Developments.

## **Section 7.02 PROCEDURES FOR SPECIAL LAND USES**

A application for a Land use Permit for any special land use or structure identified as such in a particular zoning district shall be submitted and processed under the following procedures, except that applications for planned unit developments shall be submitted and processed under Section 7.03.

### **A. Application Procedure:**

1. **Pre-application Conference:** Before an application for a special land use is submitted, a pre-application conference may be held to discuss the applicant's objectives and how these may be achieved under the Ordinance. This conference shall be scheduled only upon request by the applicant. Participants in this conference will include the applicant, the site designer and Township representatives such as the Zoning Administrator, the

Planning Commission chair (or designee) and Township consultants, as deemed necessary by the Planning Commission Chair. The applicant may prepare a conceptual rough sketch plan for this session, however, no engineered site plans or surveys will be permitted at the pre-application conference. If necessary a site visit may be scheduled at this conference. Concepts and statements presented at the pre-application conference shall not be legally binding on any party. In order for any proposal to be formally considered, the applicant shall submit an application based on the requirements of Section 7.02.A.2 below, after the pre-application conference. (Amendment 2004-05)

2. Submission of Application:

Any person owning or having an ownership interest in the subject property may file an application for one or more Land use Permits for a special land use as provided for in this Ordinance. An application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board to cover costs of processing the application. Fifteen (15) sets of the following materials, constituting the special land use application, shall be submitted to the Zoning Administrator at least thirty (30) days prior to the meeting at which the Planning Commission first considers the special land use application:

1. Special application form supplied by the Zoning Administrator.
2. Payment of a fee, the amount of which shall be established by the Township Board from time to time.
3. Site plan meeting the requirements of Section 6.03
4. Written statement of analysis regarding the estimated population holding capacity of any proposed residential land use, the anticipated impact upon community facilities, such as schools and infrastructure, the anticipated new traffic generation including available roadway capacities and impact upon neighboring land uses and streets, and the anticipated impact upon on-site and adjacent natural resources. (Amendment 2004-05)

**B. Check for Completeness and Accuracy:** Within ten (10) working days of the receipt of the submission of an application the Planning Commission Chair (or designated agent(s) and/or consultants) and the Zoning Administrator shall determine whether it is in proper form and contains required information for the Planning Commission to determine the degree of compliance with all applicable provisions of Article 16, Standards for Special Land Uses, or in the case of a planned unit development, Article 17, Standards for Planned Unit Developments. (Amendment 2004-04)

**C. Forwarding of Application to Planning Commission:** Upon certification by the Zoning Administrator that the site plan and application form appear to be complete, seven (7) copies of the site plan shall be forwarded to the Planning Commission. The Township Zoning Administrator may also submit one (1) copy of the site plan to each of the following agencies considered to be impacted or affected by the application for a Special Land Use.

1. County Road Commission.
2. County Health Department.
3. County Drain Commissioner.
4. Fire Department providing service to that part of the Township.
5. Other agencies as relevant.

**D. Planning Commission Action:**

1. Application Review and Public Hearing (Amendment 2007-01):
  - a. The Planning Commission shall review the site plan and special land use application at its next scheduled meeting following receipt from the Township Zoning Administrator. After adequate study and review, incorporating information provided by reviewing agencies listed above in Section 7.02(C), the Planning Commission shall provide notice of a public hearing pursuant to Section 3.07.

- b. A purpose of the public hearing in this section shall be to receive input from the public relevant to the proposed project regarding how said project meets or does not meet the discretionary requirements of this Ordinance. The Planning Commission shall evaluate the results of the public hearing and may include references to the public comments in its findings, as deemed relevant.
  - c. Speakers at a public hearing shall adhere to the procedures established for the hearing. Comments shall be addressed to the application under consideration and are proper and relevant consideration for the Planning Commission in reaching its decision.
  - e. Where subsequent information submitted to the Planning Commission is materially and significantly different from information provided for comment at the first public hearing, the Planning Commission may allow additional public comment at open meetings and/or may, in its discretion, hold additional public hearings. (Amendment 2004-06)
2. Commission Decision and Basis for Decision: Upon review of the special land use application, all supporting materials, and the hearing, the Planning Commission may deny, approve, or approve with conditions the application for special land use approval. Its decision shall be incorporated in a statement of conclusions relative to the special land use under consideration, and shall specify the basis for the decision and any conditions imposed. In arriving at its decision, the Planning Commission shall refer to and be guided by those standards set forth in Articles 16, Standards for Special Land Uses, and Article 17, Standards for Planned Unit Developments. A request for approval of a land use or activity which is in compliance with those standards, other applicable ordinances, and state and federal statutes shall be approved. The Planning Commission may require that a performance guarantee, in accordance with Section 3.06 of this Ordinance, be deposited with the Township to insure completion of improvements.

**Section 7.03 PROCEDURES FOR PLANNED UNIT DEVELOPMENTS**

An application for a land use identified as a planned unit development in a particular zoning district shall be processed according to all the procedures, requirements, and provisions for special land uses under Section 7.02 except that:

- A. Determination Report:** In approving, denying, or approving with conditions the planned unit development request, the Planning Commission shall prepare a report stating its conclusions regarding the request, the basis for its decision and any conditions relating to an affirmative decision.
- B. Recording of Approval Action:** The applicant shall record an affidavit with the County Register of Deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved planned unit development plan unless an amendment is adopted by the Township. In addition, all deed restrictions and easements shall be duly filed with the Register of Deeds of the County. Copies of recorded documents shall be presented to the Township Clerk.
- C. Permit Issuance:** Upon receipt of the recorded documents, the Township Clerk shall direct the Zoning Administrator to issue a Land use Permit for the planned unit development.

**Section 7.04 APPEALS (Amendment 2016-01)**

With regard to Special Land Uses and Planned Unit Development approval decisions, an appeal may be taken to the Zoning Board of Appeals in the manner of other administrative decisions. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any decision by the Planning Commission, or to decide in favor of the applicant. The appeal may be filed by any person aggrieved or by any officer, department, board or bureau of the Township, County, or State. The Zoning Board of Appeals shall state the grounds for each determination. An appeal on a Zoning Board of Appeals decision may be taken to Circuit Court.

### **Section 7.05 REAPPLICATION**

No application for a Land use Permit for a special land use which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions. A reapplication shall require a new fee and the process will follow all provisions of Section 7.02, except in the case of a planned unit development, in which case the provisions of Section 7.03 shall be followed.

### **Section 7.06 AMENDMENTS**

**A. Site Plan:** The Site Plan, as approved, shall become part of the record of approval, and subsequent actions shall be consistent with the approved the site plan. Amendments to the approved Site Plan shall comply with the application and review procedures of Section 6.08.

**B. Use or Activity (Amendment 2014-01):** A change in the character of the use or activity from what the originally approved Land Use Permit for special land use authorized shall not occur until such change is applied for and approved according to the application and review procedures of this Article and all other applicable sections of this Ordinance. The Zoning Administrator shall review all change of use applications and determine if the proposed change is major or minor, based on the following:

Minor Change of Use: A proposed use which shall be 1) of equal or less impact than the existing approved use, in consideration of access/traffic, parking requirements and noise; 2) a permitted use in the applicable zoning district or a Special Land Use utilizing an existing structure with no exterior changes.

Major Change of Use: A proposed use for which any of the following apply: 1) special land use or permitted use which requires increased parking, not already provided, or will be an expansion or an increase in the intensity of the use; 2) additional supplemental standards apply to the proposed use; 3) building size will be increased and/or site will be redesigned to accommodate proposed use; 4) the property size is changed in combination with the proposed change of use, such that property change impacts the proposed use meeting the requirements of this Ordinance and/or the original conditions of approval;

Minor change of use and major change of use shall be reviewed for approval in accordance with the provisions of Section 6.08.A.

# Article 8

*This Article Reserved for Future Use*

# Article 9

## ZONING DISTRICTS AND MAP

### **Section 9.01 ESTABLISHMENT OF DISTRICTS**

For the purpose of this Ordinance, the Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names.

- AC: Agricultural Conservation District
- AR: Low Density Agricultural - Residential District
- R-1A: Medium Density Lakeshore Residential District
- R-1B: Medium Density Inland Residential District
- R-2: Medium Density Village Residential District
- R-3: High Density Residential District
- C-1: Village Commercial District
- C-2: General Commercial District
- C-3: Waterfront Commercial District (Amendment 99-5)
- M-1: Light Manufacturing District

### **Section 9.02 ZONING DISTRICT MAP**

The boundaries of the respective districts enumerated in Section 9.01 are defined and established as depicted on the Official Zoning Map(s) entitled LELAND TOWNSHIP ZONING MAP which are an integral part of this Ordinance. These maps, with all notations and explanatory matter thereon, shall be published as part of this Ordinance as if fully described herein.

This Official Zoning Map(s) shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following: *This is to certify that this is Official Zoning Map #\_\_ of the Leland Township Zoning Ordinance adopted on the 8th day of July, 1996.* If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map(s), such changes shall be made on the Official Zoning Map(s) after the amendment has been approved by the Township Board together with an entry on the Official Zoning Map(s) as follows: *On the following date(s) and by official action of the Township Board, the following change(s) were made:* (date of change(s) and brief description of change(s)).

Two (2) copies of the Official Zoning Map(s) are to be maintained and kept up-to-date, one (1) in the Township Clerk's office, and one (1) in the Zoning Administrator's office.

### **Section 9.03 REPLACEMENT OF OFFICIAL ZONING MAP**

In the event that the Official Zoning Map(s) become damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may, by Ordinance, adopt a new Official Zoning Map(s) which shall supersede the prior Official Zoning Map(s). The Official Zoning Map(s) shall be identified by the signature of the Township Supervisor, attested by the Township Clerk and bear the seal of the Township under the following words: *This is to certify that this is Official Zoning Map #\_\_, adopted on \_\_\_\_\_, \_\_\_\_, of the Leland Township Zoning Ordinance, and replaces and supersedes the Official Zoning Map #\_\_ which was adopted on \_\_\_\_\_, \_\_\_\_, and any amendments made thereon.* Unless the prior Official Zoning Map(s) has been lost, or has been totally destroyed, the prior map(s) or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

#### **Section 9.04 INTERPRETATION OF DISTRICT BOUNDARIES**

**A.** Where, due to the scale, lack of details, or illegibility of the Official Zoning Map(s), there is an uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, to the Zoning Board of Appeals. The Board, in arriving at a decision on such matters, shall apply the following standards:

1. Boundaries indicated as approximately following the streets or highway, the center lines of said streets or highways shall be construed to be such boundaries.
2. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township boundary lines shall be construed as following such Township boundary lines.
4. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance therefrom as indicated on the official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official Zoning Map.
6. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of change in the shorelines shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the thread of streams, canals, or other bodies of water shall be construed to follow such threads.
7. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Zoning Board of Appeals after recommendation from the Planning Commission.

#### **Section 9.05 SCOPE OF REGULATION**

**A.** Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located.

**B.** Any use of land not specifically permitted is prohibited, except that the Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of clarifying the use regulations in any district, if so petitioned and in accord with the requirements of Sections 4.05(B)(3) and 4.06. If the Zoning Board of Appeals finds no comparable uses based on an examination of the characteristics of the proposed use, it shall so state and the Planning Commission may be petitioned to initiate an amendment to the text of the Ordinance to establish the appropriate district(s), type of use (by right or special use), and criteria that will apply for that use. Once the Ordinance has been amended to include the new regulations, then an application can be processed to establish that use.

**C.** No part of a setback area, or other open space, or off-street parking or loading space required about or in connection with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a setback area, open space, or off-street parking or loading space similarly required for any other use, building or structure.

**D.** No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.

**E.** No portion of one lot, once established and/or improved with a building or structure, shall be used in the creation of another lot unless each lot resulting from each such reduction, division, or sale, shall

conform with all of the requirements established herein.

**F.** Accessory uses are permitted as indicated for the various Zoning Districts and if such uses are clearly incidental to the permitted principal uses.

**Section 9.06 ZONING OF VACATED AREAS**

Whenever any street, alley or other public way within the Township shall have been vacated by official governmental action and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public way, such lands shall automatically acquire and be subject to the same zoning regulations as are applicable to lands to which same shall attach, and shall be used for those uses as is permitted under this Ordinance for such adjoining lands.

**Section 9.07 ZONING OF FILLED LANDS: USE OF WATER**

No fill shall be placed in any wetland, lake or stream without proof of a valid permit therefor from the Michigan Department of Natural Resources. Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent, and the same be used for those purposes as are permitted under this Ordinance for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

**Section 9.08 CONFLICTING REGULATIONS**

Wherever any provision of the Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

**Section 9.09 CATEGORIES WITHIN ZONING DISTRICTS**

In order to insure all possible benefits and protection for the zoning districts in this Ordinance, the land uses have been classified into two (2) categories:

**A. Uses Permitted By Right:** Uses permitted by right are the primary uses and structures specified for which the zoning district has been established.

**B. Special Land Uses Permitted By Special Approval:** Special land uses permitted by special approval are uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the zoning district, but could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing and Planning Commission approval.

**Section 9.10 SCHEDULE OF REGULATIONS**

The requirements in the following table entitled "Schedule of Regulations" apply to all principal land uses and buildings permitted by right within each zoning district, except as otherwise specified in the schedule or established in this Ordinance. This schedule summarizes basic site development standards. The specific district regulations and other regulations should be consulted to identify additional standards and regulations, and clarifications of the schedule, and all other applicable site development provisions. In the event of any conflict between the provisions of the written text of the Ordinance and the content of the Schedule of Regulations, the provisions of the text shall apply. Owners of nonconforming lots of record should refer to Article 19.02 as well. Variances may be granted by the Zoning Board of Appeals only upon a showing of practical difficulty or unnecessary hardship, related to a unique characteristic of the land and not to self created hardships of the owner. See Section 4.05(C).

**Schedule of Regulations for “Uses Permitted by Right”**

Zoning District	Minimum Lot Area	Minimum Lot Width & Frontage (in feet)	Maximum Building Height (in feet)	Minimum Yard Setback (in feet)			Maximum Lot Coverage (%)
				Front Yard	Side Yard	Rear Yard	
AC: Agricultural Conservation	1 acre b	150 to 330 c	35 d	30	10	30	20
AR: Low Density Agricultural Residential	2 to 3 acres e	150 to 250 f	35 d	25	10	25	20
R-1A: Medium Density Lakeshore Residential	15,000 sq. ft.	100	35	40	10	25	30
R-1B: Medium Density Inland Residential	30,000 sq. ft. g	100	35	40	15	40	30
R-2: Medium Density Village Residential	15,000 sq. ft h	80 i	35	25	5 min. one side/15 combined (s)*	10*	40
R-3: High Density Residential	20,000 sq. ft.	100	35	25	10	25	35
C-1: Village Commercial	6,000 sq. ft.	50	35	5	5 j	5 k	80
C-2: General Commercial	8,000 sq. ft l	50 m	40	5	5 n	5 o	80
C-3: Waterfront Commercial	10,000 sq. ft.	100	35	5 r	5 r	5 r	20
M-1: Light Industrial	1 acre	200	40	35	15 p	25 q	50

\*Amendment 2013-03

See following page for explanation of footnotes

**FOOTNOTES**  
***For Schedule of Regulations***

- a. This schedule summarizes basic site development standards. The specific district regulations and other regulations should be consulted to identify additional standards and regulations, and clarifications of the above standards, and all other applicable site development provisions. Where this schedule contradicts the text of the ordinance, the ordinance text shall rule. See Article 17 for site development standards regarding planned unit developments.
- b. 1 acre, provided adequate area is available to meet any applicable agricultural buffer requirements. See Section 11.01(D)(4).
- c. 150 feet for a parcel of less than two (2) acres which gains access by a private road or by a public road in a platted subdivision or condominium subdivision.  
200 feet for a parcel of less than two (2) acres which gains access by a major or minor thoroughfare.  
250 feet for a parcel of at least two (2) acres in size but less than five (5) acres in size.  
330 feet for a parcel of five (5) acres or more in size.
- d. Maximum height for farm buildings is 100 feet.
- e. 2 acres if lot gains direct access to a public or private road in a platted or condominium subdivision; otherwise 3 acres.
- f. 150 feet if lot gains direct access to a public or private road in a platted or condominium subdivision; otherwise 250 feet.
- g. 45,000 square feet for two-family dwellings.
- h. *Reserved for future use.* (Amendment 2013-03)
- i. *Reserved for future use.* (Amendment 2013-03)
- j. 10 feet where side yard abuts a Residential District.
- k. 25 feet where rear yard abuts a Residential District.
- l. 1 acre where lot gains direct access to a minor or major thoroughfare.
- m. 200 feet if lot gains direct access to a minor or major thoroughfare.
- n. 30 feet where side yard abuts a Residential or Conservation District.
- o. 30 feet where rear yard abuts a Residential or Conservation District.
- p. 50 feet where side yard abuts a Residential or Conservation District.
- q. 50 feet where rear yard abuts a Residential or Conservation District.
- r. *Reserved for future use.*
- s. On a corner lot, the applicant shall designate to the Zoning Administrator, on an approved plot plan, which road frontage shall be the front yard; and the other road frontage shall be designated a side yard with a 10' minimum setback required.(Amendment 2013-03)

# Article 10

## CONSERVATION DISTRICTS

### **Section 10.01 AC: AGRICULTURAL CONSERVATION DISTRICT**

**A. Intent:** It is the intent of the Agricultural Conservation District to ensure that land areas within Leland Township which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands. The Agricultural Conservation District boundaries include land areas which support farming operations due to soil and topographic conditions, the extent of and proximity of nonfarm development, and/or typical parcel sizes. The intent of the Agricultural Conservation District is to provide opportunities for the continuance of these agricultural activities in the Township while also providing opportunities for the conversion of limited farmland and vacant land to residential use in a manner more compatible with the continuation of agricultural activities than traditionally provided for. The Agricultural Conservation District is intended to implement the Agricultural Area component of the Leland Township Comprehensive Development Plan, and is intended to:

1. Preserve woodlands and wetlands associated with farms which because of their natural physical features, are useful as water retention and groundwater recharge areas, and as habitat for plant and animal life; and which have an important aesthetic and scenic value which contributes to the unique character of the District.
2. Provide the basis for land tax assessments which reflect its existing agricultural nature and owing to these regulations, its limited use for other purposes.
3. Discourage the conversion of agricultural land to scattered nonfarm development which when unregulated, unnecessarily increases the cost of public services to all citizens and results in premature disinvestment in agriculture.
4. Provide opportunities for mobile home parks, upon special review and approval, so as to provide adequate buffering of such uses and protect the essential character of the Township's existing village areas and established residential neighborhoods and the Township's rural character. Such land uses shall be approved only upon special review and the finding that all applicable special land use standards of this Ordinance are met.

### **B. Uses Permitted By Right:**

1. Agriculture.
2. Landscape nursery operations and sod farms, including retail sales of nursery stock grown on the premises.
3. Public or private conservation areas, wildlife management areas, parks, game refuges, and similar uses.
4. Single family farm dwelling.
5. Single family nonfarm dwelling.
6. Day care, family home.
7. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use, including home occupations, private stables, roadside stands, and agricultural labor housing.

### **C. Special Land Uses Permitted By Special Approval:**

1. Concentrated livestock operations.
2. Agricultural service establishments, including the processing and packaging of fruits and vegetables.
3. Temporary off-season storage of non-farm items in existing agricultural buildings.
4. Farm market.
5. Churches or religious buildings, including housing for religious personnel affiliated with the church or religious institution.

6. Extraction operations.
7. Kennel.
8. Commercial stable.
9. Veterinarian clinic.
10. Public facilities, including parking lots, cemeteries, parks, schools, libraries substations, or structures associated with public utilities, including enclosures or shelters for service equipment and maintenance depots but excluding administrative buildings.
11. Bed and breakfast establishments.
12. Airplane landing strip.
13. Outdoor commercial recreation, limited to flea markets, batting cages, skateboard parks, mini-golf, driving ranges, golf courses and country clubs, amphitheatres, amusement parks, and campgrounds.
14. Shooting range.
15. Mobile home park.
16. Schools under private sponsorship offering primarily elementary and/or secondary curriculum.
17. Day care, group home.
18. Planned unit development.
19. Cottage Industries. (Amendment 2004-01)

**D. Site Development Requirements:**

The following minimum and maximum standards shall apply to all uses and structures in the Agricultural Conservation District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 17, Standards for Planned Unit Developments; Article 18, General Conditions; or as varied pursuant to Article 4, Zoning Board of Appeals.

1. **Minimum Lot Area and Density:** Dwelling units and other structures shall be permitted on lots which constituted the lot of record, and on separately conveyed lots split off from lots which constituted the lot of record provided the minimum lot area of such newly created lots shall be one (1) acre, and the maximum number of lots that may be created from the lot which constitutes the lot of record shall be equal to the area of the lot of record divided by ten (10). Fractions of lots resulting from this computation shall be rounded off to the nearest whole number.
  - a. All lots created must have adequate lot area and width to comply with the provisions of Section 10.01(4) below regarding agricultural buffers.
  - b. The project area of a planned unit development shall not include acreage that is necessary to maintain a maximum lot density of one (1) lot per ten (10) acres on the remaining portion of the lot of record not intended to be occupied by the planned unit development.
  - c. For every four lots created according to the provisions of D1 above which do not gain access from a major or minor thoroughfare (i.e. such lots are located within a platted subdivision or condominium subdivision, or gain access from an approved private road), one additional lot may be created. (Amendment 1996-03)
2. **Minimum Lot Frontage and Lot Width:**
  - a. The minimum lot frontage and width of a parcel of less than two (2) acres which gains access by a major or minor thoroughfare shall be two hundred (200) feet. All lots created shall have adequate lot area and width to comply with the provisions of Section 10.01(D)(4) below regarding agricultural buffers.
  - b. The minimum lot frontage and width of a parcel of less than two (2) acres which gains access by a private road or by a public road in a platted subdivision or condominium subdivision shall be one hundred fifty (150) feet. All lots created shall have adequate lot area and width to comply with the provisions of Section 10.01(4) below regarding agricultural buffers.
  - c. The minimum lot frontage and width of parcels of at least two (2) acres in size but less than five (5) acres in size shall be two hundred fifty (250) feet.
  - d. The minimum lot frontage and width of parcels of five (5) acres or more in size shall be three hundred thirty (330) feet.

3. **Yard and Setback Requirements:**
  - a. Front Yard: Thirty (30) feet. (Amendment 1997-16)
  - b. Side Yard: Ten (10) feet. (Amendment 1997-16)
  - c. Rear Yard: Thirty (30) feet. (Amendment 1997-16)
  - d. No pens, corrals, buildings housing farm animals, or storage of manure or odor or dust-producing materials or use shall be permitted within forty (40) feet of a lot line.
4. **Agricultural Buffer:** A one hundred (100) foot wide agricultural buffer shall be established between a nonfarm dwelling unit in the Agricultural Conservation District, established after the effective date of this Ordinance, and a lot line which abuts any lot or parcel in excess of fifteen (15) acres in the Agricultural Conservation District. The buffer shall be located on the lot of the nonfarm dwelling unit. The purpose of such buffer shall be to minimize conflicts between agricultural and residential land uses and to protect and sustain land which is agriculturally productive.
  - a. No dwelling unit or structure housing animals shall be erected within this buffer area. The planting of trees, shrubs, or other plant material is permitted.
  - b. The agricultural buffer may be reduced in width by no more than 50% upon approval by the Planning Commission where the applicant can successfully demonstrate that:
    - 1) Natural features, other than vegetative, will substantially minimize negative impacts associated with the agricultural use of the abutting property; or
    - 2) The abutting property has been developed for purposes other than traditional agricultural activities, such as a veterinarian clinic, and as a result, a full width agricultural buffer may not be necessary to screen negative impacts.
5. **Maximum Lot Coverage:** Twenty (20) percent.
6. **Maximum Height:** Thirty-five (35) feet, except that the maximum height of farm buildings and structures shall be one-hundred (100) feet. All farm buildings and structures over thirty-five (35) feet shall be set back from a lot line a distance at least equal to the height of the building.
7. Applicable provisions **Article 19:** Nonconforming Uses; **Article 20:** Access Control and Private Roads; **Article 21:** Off-Street Parking and Loading; **Article 22:** Signs; **Article 23:** Landscaping and Screening; **Article 24:** Environmental Standards, and other provisions of this Ordinance as may be applicable.

# Article 11

## RESIDENTIAL DISTRICTS

### **Section 11.01 AR: LOW DENSITY AGRICULTURAL - RESIDENTIAL DISTRICT**

**A. Intent:** It is the intent of the Low Density Agricultural-Residential District to provide for a variety of comparatively low density residential lifestyles in a manner which preserves open spaces and natural resources of the Township and the Township's rural character. The expanses of open spaces and natural resources, including woodlands, wetlands, hillsides, fields, and farmland comprise the fundamental rural character of the Township which residents wish to protect for future generations. This District includes limited existing farms and it is not the intent of this District to encourage the conversion of these agricultural lands to more intensive land uses, but to provide opportunities for residential development in a manner more compatible with the continuation of agricultural activities than traditionally provided for. However, neither is it the intent of this District to encourage the establishment of more intensive agricultural uses, such as confined livestock operations, which are incompatible with residential use of adjoining lands. Permitted land uses within this District are established based upon, in part, the limited public services available and accompanying natural constraints. The Low Density Agricultural - Residential District is intended to implement, in part, the Rural Residential Area component of the Leland Township Comprehensive Development Plan.

### **B. Uses Permitted By Right:**

1. Agriculture.
2. Public or private conservation areas, parks, game refuges, and similar uses.
3. Transmission and distribution lines, and pipelines of public utility companies within existing public rights of ways.
4. Single family dwelling on parcels three (3) acres or more in size.
5. Single family dwelling on parcels two (2) acres or more in size, provided:
  - a. Parcels created after the effective date of this Ordinance do not gain access by a major or minor thoroughfare. Rather, such parcels must gain access from an approved private road or a street in a platted subdivision or condominium subdivision.
  - b. A site plan of the proposed project is submitted and approved according to the provisions of Article 6: Site Plan & Plot Plan Review.
6. Day care, family home.
7. Foster care facility, family home; provided it is not located within one thousand five hundred (1,500) of another such facility.
8. Accessory uses and structures customarily incidental to and subordinate to the permitted principle use, including home occupations, private stables, and roadside stands.

### **C. Special Land Uses Permitted By Special Approval:**

1. Public facilities, including parking lots, cemeteries, parks, schools, libraries, and similar uses and activities including administrative buildings, substations, or structures associated with public utilities, and enclosures or shelters for service equipment and maintenance depots.
2. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.
3. Kennel.
4. Veterinarian clinic.
5. Day care, group home.
6. Foster care facility, group home.
7. Nursing home.
8. Outdoor commercial recreation, limited to golf courses and country clubs.
9. Bed and breakfast.
10. Schools under private sponsorship offering primarily elementary and/or secondary

- curriculum.
- 11. Planned unit development.
- 12. Cottage Industries. (Amendment 2004-01)

**D. Site Development Requirements:**

The following minimum and maximum standards shall apply to all uses and structures in the Low Density Agricultural - Residential District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 17, Standards for Planned Unit Developments; Article 18; General Conditions; or as varied pursuant to Article 4; Zoning Board of Appeals.

1. **Minimum Lot Area:** Three (3) acres, except that lots of two (2) acres or more in size may be permitted for single family dwellings pursuant to the requirements of Section 11.01(B)(5).
2. **Minimum Lot Frontage and Lot Width:**
  - a. The minimum lot frontage and width of a parcel gaining access by a major or minor thoroughfare shall be two hundred fifty (250) feet.
  - b. The minimum lot frontage and width of parcels gaining access by a private road or by a public road in a platted subdivision or condominium subdivision shall be one hundred fifty (150) feet.
3. **Yard and Setback Requirements:**
  - a. Front yard: Twenty five (25) feet.
  - b. Side yard: Ten (10) feet.
  - c. Rear yard: Twenty five (25) feet.
  - d. Pens, corrals, buildings housing farm animals, or storage of manure or odor or dust-producing materials or use shall conform to setback requirements.
4. **Maximum Lot Coverage:** Twenty (20) percent.
5. **Maximum Height:** Thirty-five (35) feet, except that the maximum height of farm buildings and structures shall be one-hundred (100) feet. All farm buildings and structures over thirty-five (35) feet shall be set back from a lot line a distance at least equal to the height of the building. (Amendment 2013-07)
6. Applicable provisions of **Article 19: Nonconforming Uses; Article 20: Access Control and Private Roads; Article 21: Off-Street Parking and Loading; Article 22: Signs; Article 23: Landscaping and Screening; Article 24: Environmental Standards**, and other provisions of this Ordinance as may be applicable.

**Section 11.02 R-1A: MEDIUM DENSITY LAKESHORE RESIDENTIAL DISTRICT**

- A. **Intent:** It is the intent of the Medium Density Lakeshore Residential District to provide opportunities for single family residential development along lakeshore areas of the Township where residential development can be adequately accommodated. This District is characterized by primarily existing residential lakeshore development and this District is designed to incorporate these existing land uses and provide for their continuation and redevelopment. This District also includes limited areas of vacant land and is intended to provide for the use of this vacant land for primarily residential lakeshore development purposes while similarly preserving the residential character of the nearby existing stable residential areas and neighborhoods in the District. All development in this District shall be based upon the recognition of the lack of public sewer and water service in this District, the fragility of the Township's lakeshore environments, and the resulting development constraints these conditions present. The purpose of this district is to permit shoreline development along the Township's lakes while assuring the maintenance of safe and healthy conditions, prevent and control water pollution, reduce hazards to persons and damage to property as a result of flood conditions, protect fish and other aquatic life, and control development so as to preserve the economic and natural environmental value of the shore lands. The Medium Density Lakeshore Residential District is intended to implement, in part, the Suburban Residential Area component of the Leland Township Comprehensive Development Plan.

**B. Uses Permitted By Right:**

1. Single family dwelling.
2. Day care, family home.
3. Foster care facility, family home; provided it is not located within one thousand five hundred (1,500) feet of another such facility.
4. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use, including home occupations.

**C. Special Land Uses Permitted By Special Approval:**

1. Public facilities, including parking lots, cemeteries, parks, schools, libraries, and similar uses and activities excluding administrative buildings; and substations, or structures associated with public utilities, and enclosures or shelters for service equipment and maintenance depots.
2. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.
3. Day care, group home.
4. Foster care facility, group home.
5. Nursing home.
6. Bed and breakfast.
7. Schools under private sponsorship offering primarily elementary and/or secondary curriculum.
8. Cottage Industries. (Amendment 2004-01)

**D. Site Development Requirements:**

The following minimum and maximum standards shall apply to all uses and structures in the Medium Density Lakeshore Residential District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 17, Standards for Planned Unit Developments; Article 18, General Conditions; or as varied pursuant to Article 4; Zoning Board of Appeals.

1. **Minimum Lot Area:** Fifteen thousand (15,000) square feet.
2. **Minimum Lot Frontage and Lot Width:** One hundred (100) feet.
3. **Yard and Setback Requirements:**
  - a. **Front yard:** Forty (40) feet from the water's edge.
  - b. **Side yard:** Ten (10) feet.
  - c. **Rear Yard:** Twenty-five (25) feet.
4. **Maximum Lot Coverage:** Thirty (30) percent.
5. **Maximum Height:** Thirty-five (35) feet. (Amendment 2013-07)
6. Applicable provisions of **Article 19:** Nonconforming Uses; **Article 20:** Access Control and Private Roads; **Article 21:** Off-Street Parking and Loading; **Article 22:** Signs; **Article 23:** Landscaping and Screening; **Article 24:** Environmental Standards, and other provisions of this Ordinance as may be applicable.

**Section 11.03 R-1B: MEDIUM DENSITY INLAND RESIDENTIAL DISTRICT**

**A. Intent:** It is the intent of the Medium Density Inland Residential District to provide opportunities for single family residential neighborhoods at densities greater than those permitted in the Low Density Agricultural-Residential District but not as great as in the Township's village areas. This District is comprised of lands primarily situated along portions of the Township's thoroughfares which are better capable of accommodating and efficiently distributing the increased traffic associated with these higher density land uses. This District is characterized by both existing residential neighborhoods and vacant land available to accommodate additional residential development of similar general character, while also preserving the residential character of the nearby existing stable residential areas and neighborhoods in the District. Public sewer and water is not available in this District and all land uses and development densities shall be served by adequate sewage disposal and potable water. The Medium Density Inland

Residential District is intended to implement, in part, the Suburban Residential Area component of the Leland Township Comprehensive Development Plan.

**B. Uses Permitted By Right:**

1. Single family dwellings and two family dwellings, provided that parcels created after the effective date of this Ordinance do not gain access from a major or minor thoroughfare; such parcels must gain access from an approved private road or a street in a platted subdivision or condominium subdivision.
2. Day care, family home.
3. Foster care facility, family home; provided it is not located within one thousand five hundred (1,500) feet of another such facility.
4. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use, including home occupations.

**C. Special Land Uses Permitted By Special Approval:**

1. Public facilities, including parking lots, cemeteries, parks, schools, libraries, and similar uses and activities excluding administrative buildings; and substations, or structures associated with public utilities, and enclosures or shelters for service equipment and maintenance depots.
2. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.
3. Day care, group home.
4. Foster care facility, group home.
5. Bed and breakfast.
6. Schools under private sponsorship offering primarily elementary and/or secondary curriculum.
7. Cottage Industries. (Amendment 2004-01)

**D. Site Development Requirements:**

The following minimum and maximum standards shall apply to all uses and structures in the Medium Density Inland Residential District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 17, Standards for Planned Unit Developments; Article 18, General Conditions; or as varied pursuant to Article 4; Zoning Board of Appeals.

1. **Minimum Lot Area:** Thirty thousand (30,000) square feet for single family dwellings; forty-five thousand square feet (45,000) for two family dwellings.
2. **Minimum Lot Frontage and Lot Width:** One hundred (100) feet.
3. **Yard and Setback Requirements:**
  - a. Front yard: Forty (40) feet.
  - b. Side yard: Fifteen (15) feet.
  - c. Rear Yard: Forty (40) feet.
4. **Maximum Lot Coverage:** Thirty (30) percent.
5. **Maximum Height:** Thirty-five (35) feet. (Amendment 2013-07)
6. Applicable provisions of **Article 19:** Nonconforming Uses; **Article 20:** Access Control and Private Roads; **Article 21:** Off-Street Parking and Loading; **Article 22:** Signs; **Article 23:** Landscaping and Screening; **Article 24:** Environmental Standards, and other provisions of this Ordinance as may be applicable.

**Section 11.04 R-2: MEDIUM DENSITY VILLAGE RESIDENTIAL DISTRICT**

**A. Intent:** It is the intent of the Medium Density Village Residential District to provide opportunities for primarily single family residential development of a more urban pattern reflective of the existing character of the Township's unincorporated village areas. This District includes existing neighborhood areas associated with the unincorporated villages of Leland and Lake Leelanau in addition to limited areas of nearby vacant land suitable for accommodating additional similar village residential development provided adequate public facilities are provided. This District is intended to accommodate new residential development while similarly preserving the residential character of the existing neighborhoods in this District. The existing character of this

District is based upon, in part, individual dwellings placed upon two or more small previously platted lots covering 5,000 to 6,000 square feet each, and this District encourages the combined use of these multiple lots as a single dwelling site to strengthen the existing character of the village areas. The Medium Density Village Residential District is intended to implement, in part, the Mixed Use Area(s) component of the Leland Township Comprehensive Development Plan.

**B. Uses Permitted By Right:**

1. Single family dwelling.
2. Day care, family home.
3. Foster care facility, family home; provided it is not located within one thousand five hundred (1,500) feet of another such facility.
4. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use, including home occupations.

**C. Special Land Uses Permitted By Special Approval:**

1. Public facilities, including parking lots, cemeteries, parks, schools, libraries, and similar uses and activities excluding administrative buildings; and substations, or structures associated with public utilities, and enclosures or shelters for service equipment and maintenance depots.
2. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.
3. Day care, group home.
4. Foster care facility, group home.
5. Bed and breakfast.
6. Schools under private sponsorship offering primarily elementary and/or secondary curriculum.
7. Cottage Industries. (Amendment 2004-01)
8. Planned Unit Development. (Amendment 2007-03)

**D. Site Development Requirements:**

The following minimum and maximum standards shall apply to all uses and structures in the Medium Density Village Residential District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 18, General Conditions; or as varied pursuant to Article 4; Zoning Board of Appeals.

1. **Minimum Lot Area:** 15,000 square feet or previously platted Lot of record. (Amendment 2013-03)
2. **Minimum Lot Frontage and Lot Width:** 80 feet or previously platted Lot of record. (Amendment 2013-03)
3. **Yard and Setback Requirements:**
  - a. Front (street) Setback: 25 feet. (Amendment 2013-03)
  - b. Rear Setback: 10 feet. (Amendment 2013-03)
  - c. Side Setback: One side—minimum 5 feet; combined two sides—minimum 15 feet. (Amendment 2013-03)
4. **Maximum Lot Coverage:** Forty (40) percent.
5. **Maximum Height:** Thirty-five (35) feet. (Amendment 2013-07)
6. Applicable provisions of **Article 19:** Nonconforming Uses; **Article 20:** Access Control and Private Roads; **Article 21:** Off-Street Parking and Loading; **Article 22:** Signs; **Article 23:** Landscaping and Screening; **Article 24:** Environmental Standards, and other provisions of this Ordinance as may be applicable.

**Section 11.05 R-3: HIGH DENSITY RESIDENTIAL DISTRICT**

**A. Intent:** It is the intent of the High Density Residential District to provide opportunities for higher density residential lifestyles than permitted elsewhere in the Township while assuring a stable and healthy living environment. The High Density Residential District is intended to permit both the development of suitable vacant land for residential purposes while also preserving the residential character of existing area neighborhoods. The High Density Residential District is

intended to implement, in part, the Mixed Use Area(s) component of the Leland Township Comprehensive Development Plan.

**B. Uses Permitted By Right:**

1. One or two family dwelling, provided that parcels created after the effective date of this Ordinance do not have frontage along a major or minor thoroughfare. (Amendment 1996-04)
2. Day care, family home.
3. Foster care facility, family home; provided it is not located within one thousand five hundred (1,500) feet of another such facility.
4. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use, including home occupations.

**C. Special Land Uses Permitted By Special Approval:**

1. Public facilities, including cemeteries, parks, schools, libraries, and similar uses and activities excluding administrative buildings; and substations, or structures associated with public utilities, and enclosures or shelters for service equipment and maintenance depots.
2. Churches and religious institutions, including housing for religious personnel affiliated with the church or religious institution.
3. Day care, group home.
4. Foster care facility, group home.
5. Bed and breakfast.
6. Schools under private sponsorship offering primarily elementary and/or secondary curriculum.
7. Multiple family dwelling.
8. Cottage Industries. (Amendment 2004-01)

**D. Site Development Requirements:**

The following minimum and maximum standards shall apply to all uses and structures in the High Density Residential District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 18, General Conditions; or as varied pursuant to Article 4; Zoning Board of Appeals.

1. **Minimum Lot Area:** Twenty thousand (20,000) square feet.
2. **Minimum Lot Frontage and Lot Width:** One hundred (100) feet.
3. **Yard and Setback Requirements:**
  - a. Front yard: Twenty-five (25) feet.
  - b. Side yard: Ten (10) feet.
  - c. Rear Yard: Twenty-five (25) feet.
4. **Maximum Lot Coverage:** Thirty-five (35) percent.
5. **Maximum Height:** Thirty-five (35) feet. (Amendment 2013-07)
6. Applicable provisions of **Article 19:** Nonconforming Uses; **Article 20:** Access Control and Private Roads; **Article 21:** Off-Street Parking and Loading; **Article 22:** Signs; **Article 23:** Landscaping and Screening; **Article 24:** Environmental Standards, and other provisions of this Ordinance as may be applicable.

# Article 12

## COMMERCIAL DISTRICTS

### Section 12.01 C-1: VILLAGE COMMERCIAL DISTRICT

**A. Intent:** The Village Commercial District is intended to provide for central business areas where the presence of retail stores and service establishments address the day-to-day retail and service needs of tourists and local residents. This District is intended to provide for a more pedestrian-oriented commercial area than provided for in other commercial districts and promote convenient pedestrian shopping and stability of retail development by encouraging a contiguous retail frontage and by prohibiting automotive related, highway service, and non-retail uses which tend to break up such continuity and the character intended for this District. The Village Commercial District is intended to implement, in part, the Mixed Use Area(s) component of the Leland Township Comprehensive Development Plan.

#### **B. Uses Permitted By Right**

1. Any generally recognized retail business, except a drive-in business, which supplies commodities on the premises within a completely enclosed building including, but not limited to, foods, drugs, liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry or hardware.
2. Personal service establishments, except drive-in businesses, which perform services on the premises within a completely enclosed building, such as, but not limited to, repair shops, barber and beauty shops, photographic studios, and dry cleaners.
3. Office establishments, except drive-in businesses, which perform services on the premises including but not limited to; financial institutions, insurance offices, real estate offices, artist offices and galleries, professional offices for accountants, doctors, lawyers, engineers, and architects, and similar office uses.
4. Residential uses when occupying the second or third floors, provided that all requirements of the building code are met, and that any new dwelling created must have adequate on site parking.
5. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use.
6. Single family dwelling. (Amendment 1997-05)
7. Standard restaurants. (Amendment 2009-02)

#### **C. Special Land Uses Permitted By Special Use Approval**

1. Public facilities, including parking lots, cemeteries, parks, schools, libraries, and similar uses and activities including administrative buildings, but excluding substations or structures associated with public utilities, and enclosures or shelters for service equipment and maintenance depots.
2. Automobile and Service Repair Stations
3. Clubs and other establishments which provide food or drink for consumption by persons seated within a building that is not part of a drive-in, and may also provide dancing and entertainment. (Amendment 2009-02)
4. Bed and breakfast.
5. Hotels and motels.
6. Adult related businesses.
7. Planned unit development. (Amendment 2004-07)
8. Conversion of existing structure to a condominium project with no more units than in existing structure or the number of units allowed by the district (whichever is greater);

provided that all requirements of the building code are met, and that adequate on site parking is provided, based on the standards of Section 21.03. (Amendment 2004-07)

#### **D. Site Development Requirements**

The following minimum and maximum standards shall apply to all uses and structures in the Village Commercial District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 18, General Conditions; or as varied pursuant to Article 4, Zoning Board of Appeals.

1. **Minimum Lot Area:** Six thousand (6,000) square feet.
2. **Minimum Lot Frontage and Lot Width:** Fifty (50) feet.
3. **Yard and Setback Requirements:**
  - a. Front yard: Five (5) feet.
  - b. Side yards: Five (5) feet, except that ten (10) feet shall be required on the street side of a corner lot or where a side yard abuts a residential zoning district.
  - c. Rear Yard: Five (5) feet, except that twenty-five (25) feet shall be required where a rear yard abuts a residential zoning district.
4. **Maximum Height:** Thirty-five (35) feet.
5. **Maximum Floor Area Per Building used for Commercial Retail Purposes:** Eight thousand (8,000) square feet, excluding dwelling floor area, except that businesses selling primarily fresh produce, dairy products, poultry and meats, and whose customers typically require a food cart for the collection of the food stuffs, shall not exceed fifteen thousand (15,000) square feet in commercial floor area.
6. **Maximum Lot Coverage:** Eighty (80) percent.
7. **Applicable provisions of:** **Article 19:** Nonconforming Uses; **Article 20:** Access Control and Private Roads; **Article 23:** Landscaping and Screening; **Article 24:** Environmental Provisions, and other provisions of this Ordinance as may be applicable.
8. **Provisions of Article 21:** Off-Street Parking and Loading apply to newly established C-1 districts but not to existing C-1 districts. (Amendment 1996-06)

#### **Section 12.02 C-2: GENERAL COMMERCIAL DISTRICT**

**A. Intent:** The General Commercial District is intended to accommodate commercial land uses which address retail and service needs of local, regional, and tourist populations and which typically are comparatively large in building area, encourage comparatively high levels of vehicular traffic or otherwise benefit from high levels of vehicular traffic and on-site parking, and/or do not significantly benefit from being located within a comparatively high level pedestrian traffic area. This District is intended to accommodate retail and service activities which are not generally compatible with the intended character of the Township's Village Commercial District. The General Commercial District is intended to implement, in part, the Mixed Use Area(s) component of the Leland Township Comprehensive Development Plan.

#### **B. Uses Permitted By Right**

1. Automobile dealership.
2. Automobile car wash.
3. Offices and showrooms of plumbers, electricians, decorator, or similar trades in connection with which not more than twenty-five (25) percent of the floor area of the building or part of the building occupied by said establishment is used for making, merchandise, and provided that the ground floor premises facing upon, and visible from any abutting street shall be used only for entrances, offices or display.  
(Amendment 1999-01)

4. Wholesale businesses handling candy, drugs, jewelry, novelties, professional barber and beauty supplies, office supplies, radio and television parts, tobacco, and similar products.
5. Service establishments, including computer services, printing, publishing, photographic reproduction, blueprinting, and related trades or arts.
6. Building supply and equipment, for predominantly retail sales.
7. Private clubs and meeting halls.
8. Veterinarian clinic.
9. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use. (Amendment 1999-01)
10. Single family dwelling. (Amendment 2001-01)
11. Standard restaurants. (Amendment 2009-02)

**C. Special Land Uses Permitted By Special Approval**

1. Public facilities, including parking lots, cemeteries, parks, schools, libraries, and similar uses and activities, including administrative buildings associated with public utilities and substations or structures and enclosures or shelters for utility service equipment and maintenance depots associated with public utilities.
2. Motor vehicle, trailer, and boat service and repair stations.
3. Open air business including automobile, truck, and boat sales; nursery and landscape supplies sales; sale of lawn furniture, farm equipment, and playground equipment, and similar outdoor businesses.
4. Clubs and other establishments which provide food or drink for consumption by persons seated within a building that is not part of a drive-in, and may also provide dancing and entertainment. (Amendment 2009-02)
5. Private parking facility.
6. Motels and hotels.
7. Funeral homes and mortuaries.
8. Mini storage facility.
9. Outdoor commercial recreation, excluding golf courses and country clubs. Accessory uses to the above permitted uses such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, offices for management functions, spectator seating and service areas, and locker rooms and rest rooms are permitted.
10. Schools under private sponsorship including trade schools.
11. Indoor commercial recreation facilities such as indoor theaters, bowling alleys, skating rinks or similar uses.
12. Marina.
13. Public or private office buildings. (Amendment 1997-09)
14. Adult related businesses. (Amendment 1997-17)
15. Single family dwellings.
16. Planned unit development. (Amendment 2004-07)
17. Conversion of existing structure to a condominium project with no more units than in existing structure or the number of units allowed by the district (whichever is greater); provided that all requirements of the building code are met, and that adequate on site parking is provided, based on the standards of Section 21.03. (Amendment 2004-07)

**D. Site Development Requirements**

The following minimum and maximum standards shall apply to all uses and structures in the General Commercial District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 18, General Conditions; or as varied pursuant to Article 4, Zoning Board of Appeals.

1. **Minimum Lot Area:** Eight thousand square feet (8,000) except where the parcel gains access from a minor or major thoroughfare, in which case a minimum lot area of one (1) acre shall be required.
2. **Minimum Lot Frontage and Width:** Fifty (50) feet, except where the parcel gains access from a minor or major thoroughfare, in which case the minimum lot frontage and

- width shall be two hundred (200) feet.
3. **Yard and Setback Requirements:**
    - a. Front yard: Five (5) feet (Amendment 2002-02)
    - b. Side yards: Five (5) feet (Amendment 2002-02)
    - c. Rear yard: Five (5) feet. (Amendment 2002-02)
  4. **Maximum Lot Coverage:** Eighty (80) percent.
  5. **Maximum Height:** Forty (40) feet. (Amendment 2013-07)
  6. Applicable provisions **Article 19:** Nonconforming Uses; **Article 20:** Access Control and Private Roads; **Article 21:** Off-Street Parking and Loading; **Article 22:** Signs; **Article 23:** Landscaping and Screening; **Article 24:** Environmental Standards; and other provisions of this Ordinance as may be applicable.

### **Section 12.03 C-3: WATERFRONT COMMERCIAL DISTRICT**

**A. Intent:** The Waterfront Commercial District is intended to provide opportunities for recreation and transportation based public and commercial facilities that are uniquely dependent upon adjacency to lake and/or river resources, or which uniquely benefit from adjacency to such resources. This district is intended to be established only where a parcel has frontage upon a body of water and accommodate specific water-based needs of local residents, area tourists and business owners. Uses established in this District shall be planned and designed so as to not undermine the environmental resources and recreational value of such water sources, and to assure the continued and unimpeded enjoyment of abutting properties by land owners.

#### **B. Uses Permitted By Right**

1. Marinas.
2. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use, including picnic and playground facilities, restrooms and public park facilities where such facilities are the principal use of the parcel.

#### **C. Special Land Uses Permitted By Special Approval**

1. Loading and unloading of industrial or commercial goods and passengers where such loading and unloading is the principal use of the waterfront frontage.

#### **D. Site Development Requirements**

The following minimum and maximum standards shall apply to all uses and structures in the Waterfront Commercial District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 18, General Conditions; or as varied pursuant to Article 4, Zoning Board of Appeals.

1. **Minimum Lot Area:** Ten thousand (10,000) square feet.
2. **Minimum Lot Frontage and Width:** One hundred (100) feet.
3. **Yard and Setback Requirements:**
  - a. Front yard: Twenty-five (25) feet.
  - b. Side yards: Twenty-five (25) feet.
  - c. Rear Yard: Twenty-five (25) feet.
4. **Maximum Height:** Thirty-five (35) feet.
5. **Maximum Floor Area per Building used for Commercial Purposes:** Six thousand (6,000) square feet.
6. **Maximum Lot Coverage:** Twenty (20) percent.
7. Applicable provisions of **Article 19:** Nonconforming Uses; **Article 20:** Access Control and Private Roads; **Article 21:** Off-Street Parking and Loading; **Article 22:** Signs; **Article 23:** Landscaping and Screening; **Article 24:** Environmental Standards; and other provisions of this Ordinance as may be applicable.
8. **Additional Marina Standards:** Marinas shall comply with the following standards and requirements: The Planning Commission may waive under site plan review proceedings

one or more of the above regulations, or portions thereof, if less than four (4) boats are to be docked.

- a. Marinas shall meet all applicable standards and regulations of the Department of Natural Resources, Department of Environmental Quality, U.S. Army Corps of Engineers, and all other county, state and federal agencies having regulatory authority over the use of, or construction upon, the affected surface waters and bottomland. (Amendment 1999-04)

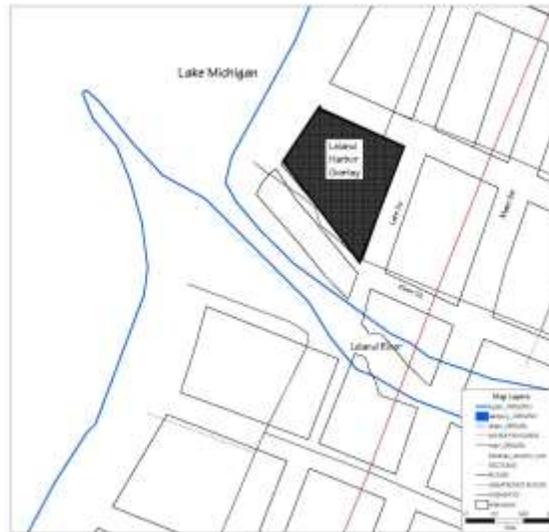
**12.03.1 Leland Harbor Overlay District** (Amendment 2006-05)

**A. Intent**

Due to the unique characteristics of the Leland Township Harbor property located in Leland, an Overlay District is established.

**B. Definition of Overlay District**

Only the property identified on the map below will be included in the Leland Harbor Overlay District.



**C. Regulations**

Property within the overlay district shall comply with all dimensional and use regulations for the underlying C-3 Waterfront Commercial district, except as otherwise specified in this section.

Yard and Setback Requirements:

- a. Front yard: Five (5) feet
- b. Side yards: Five (5) feet
- c. Rear yard: Five (5) feet

**Section 12.04 C-4: Fishtown Historic District** (Amendment 2016-02)

**A. Intent**

The Fishtown Historic District (the "District") is intended to:

1. Preserve the historical integrity of Leland' Fishtown area and ensure that it continues as a publicly accessible and authentic connection to local and regional history, Great Lakes commercial fishing, and maritime traditions and experiences;
2. Provide flexibility for the restoration, construction, and relocation of structures, for limited development, in part, and for changes in use within the District to the extent and on the conditions set forth in this Section.

The provisions of this Section shall supersede any conflicting provisions contained in the other Sections of the Leland Township Zoning Ordinance (hereinafter referred to as the "Ordinance").

**B. Boundaries, Ownership, and Control**

The boundaries of the District are amended to include the property at 206 West Cedar Street.

The properties within the District are owned by Fishtown Preservation Society, Inc. a Michigan nonprofit corporation designated by the Internal Revenue Service as a 501(c)(3) organization (hereinafter referred to as "FPS"). FPS shall have sole responsibility and authority for the management of the District in conformity with this Section. FPS shall give notice to the Zoning Administrator of any transfer of ownership or control of property within the District.

**C. Uses Permitted**

The Uses permitted by right within the District are: historic preservation and restoration, public education, waterfront access, commercial fishing, public angling, charter boat operations, commercial retail and service operations, artisan activities, fishing-related operations, fish processing, research and educational activities, public gatherings, mixed uses and with respect to the property at 206 West Cedar Street (only), a single family dwelling (including short-term rentals), and administrative activities related to the foregoing. Changes in use for a particular structure or area shall be permitted without further approval provided the change is to another use permitted by right and notice thereof is given to the Zoning Administrator.

Changes within the District that would otherwise require a Land Use Permit under the provisions of Section 3.03 A. of this Ordinance shall be subject to review by the Leland Township Zoning Administrator. The Zoning Administrator shall approve any change that is consistent with the "Design Guidelines" set forth on pages 27 through 32 of the Fishtown Site Study, Design and Master Plan (January 2009) (hereinafter referred to as the "Design Guidelines"), as recorded with the Leelanau County Register of Deeds. If the Zoning Administrator shall find that a proposed change is not consistent with the Design Guidelines, and the issues are not resolved following consultation with FPS, then the change shall require review and approval by the Leland Township Planning Commission under the standards for special land uses set forth in Section 16.01 of the Ordinance.

**D. Dimensional Standards**

The following dimensional standards shall apply to improvements in the District:

1. Alley setback 0' min. north side of river / 5' min. south side river
2. Off-street parking 0 spaces north side of river / number of spaces on south side of river per Section 21.03 as of January 1, 2017
3. Building height 7' min. – 35' max.
4. Property line setbacks 0' north side of river / 5' south side of river
5. Water's edge No closer than any structure within the District as of December 31, 2009
6. Percent lot coverage Maximum of 80% of the District area

**E. Additional Standards**

1. Right-of -Way. Changes in the use of the West River Street right-of-way are subject to review and approval by the Leelanau County Road Commission.
2. Utilities. New utility lines shall be located below grade. Any changes in the utility infrastructure shall be subject to review and approval by the Zoning Administrator and subject to all relevant county and state permitting requirements.
3. Site Drainage. The placement of any new buildings or building to be relocated shall be subject to review by the Drain Commissioner and the Soil Erosion Control Officer.
4. Pedestrian Circulation. Changes in the pedestrian circulation systems shall be isolated from the vehicular circulation system to the greatest extent possible and subject to review by the Zoning Administrator.
5. Signage. Signage within the District shall be within the control of FPS and consistent with the Design Guidelines. Educational and interpretive signage and other materials shall be allowed at the discretion of the FPS. One freestanding sign externally directed such as an entrance sign, not exceeding thirty-two (32) square feet and not internally illuminated or having any visible moving, revolving or flashing components, shall be permitted subject to review and approval by the Zoning Administrator.
6. Nonconforming Uses and Nonconforming Buildings. Nonconforming Uses and Nonconforming Buildings, as defined in this Ordinance, may continue until they are removed by FPS. Any Nonconforming Building that is damaged by fire or act of nature may be reconstructed on the original building footprint and within its original spatial envelope. Any building relocated within the District shall be reviewed by the Zoning Administrator and approved by the Planning Commission.

# Article 12

## COMMERCIAL DISTRICTS

### Section 12.01 C-1: VILLAGE COMMERCIAL DISTRICT

**A. Intent:** The Village Commercial District is intended to provide for central business areas where the presence of retail stores and service establishments address the day-to-day retail and service needs of tourists and local residents. This District is intended to provide for a more pedestrian-oriented commercial area than provided for in other commercial districts and promote convenient pedestrian shopping and stability of retail development by encouraging a contiguous retail frontage and by prohibiting automotive related, highway service, and non-retail uses which tend to break up such continuity and the character intended for this District. The Village Commercial District is intended to implement, in part, the Mixed Use Area(s) component of the Leland Township Comprehensive Development Plan.

#### **B. Uses Permitted By Right**

1. Any generally recognized retail business, except a drive-in business, which supplies commodities on the premises within a completely enclosed building including, but not limited to, foods, drugs, liquor, furniture, clothing, dry goods, notions, books, flowers, jewelry or hardware.
2. Personal service establishments, except drive-in businesses, which perform services on the premises within a completely enclosed building, such as, but not limited to, repair shops, barber and beauty shops, photographic studios, and dry cleaners.
3. Office establishments, except drive-in businesses, which perform services on the premises including but not limited to; financial institutions, insurance offices, real estate offices, artist offices and galleries, professional offices for accountants, doctors, lawyers, engineers, and architects, and similar office uses.
4. Residential uses when occupying the second or third floors, provided that all requirements of the building code are met, and that any new dwelling created must have adequate on site parking.
5. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use.
6. Single family dwelling. (Amendment 1997-05)
7. Standard restaurants. (Amendment 2009-02)

#### **C. Special Land Uses Permitted By Special Use Approval**

1. Public facilities, including parking lots, cemeteries, parks, schools, libraries, and similar uses and activities including administrative buildings, but excluding substations or structures associated with public utilities, and enclosures or shelters for service equipment and maintenance depots.
2. Automobile and Service Repair Stations
3. Clubs and other establishments which provide food or drink for consumption by persons seated within a building that is not part of a drive-in, and may also provide dancing and entertainment. (Amendment 2009-02)
4. Bed and breakfast.
5. Hotels and motels.
6. Adult related businesses.
7. Planned unit development. (Amendment 2004-07)
8. Conversion of existing structure to a condominium project with no more units than in existing structure or the number of units allowed by the district (whichever is greater);

provided that all requirements of the building code are met, and that adequate on site parking is provided, based on the standards of Section 21.03. (Amendment 2004-07)

#### **D. Site Development Requirements**

The following minimum and maximum standards shall apply to all uses and structures in the Village Commercial District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 18, General Conditions; or as varied pursuant to Article 4, Zoning Board of Appeals.

1. **Minimum Lot Area:** Six thousand (6,000) square feet.
2. **Minimum Lot Frontage and Lot Width:** Fifty (50) feet.
3. **Yard and Setback Requirements:**
  - a. Front yard: Five (5) feet.
  - b. Side yards: Five (5) feet, except that ten (10) feet shall be required on the street side of a corner lot or where a side yard abuts a residential zoning district.
  - c. Rear Yard: Five (5) feet, except that twenty-five (25) feet shall be required where a rear yard abuts a residential zoning district.
4. **Maximum Height:** Thirty-five (35) feet.
5. **Maximum Floor Area Per Building used for Commercial Retail Purposes:** Eight thousand (8,000) square feet, excluding dwelling floor area, except that businesses selling primarily fresh produce, dairy products, poultry and meats, and whose customers typically require a food cart for the collection of the food stuffs, shall not exceed fifteen thousand (15,000) square feet in commercial floor area.
6. **Maximum Lot Coverage:** Eighty (80) percent.
7. **Applicable provisions of:** **Article 19:** Nonconforming Uses; **Article 20:** Access Control and Private Roads; **Article 23:** Landscaping and Screening; **Article 24:** Environmental Provisions, and other provisions of this Ordinance as may be applicable.
8. **Provisions of Article 21:** Off-Street Parking and Loading apply to newly established C-1 districts but not to existing C-1 districts. (Amendment 1996-06)

#### **Section 12.02 C-2: GENERAL COMMERCIAL DISTRICT**

**A. Intent:** The General Commercial District is intended to accommodate commercial land uses which address retail and service needs of local, regional, and tourist populations and which typically are comparatively large in building area, encourage comparatively high levels of vehicular traffic or otherwise benefit from high levels of vehicular traffic and on-site parking, and/or do not significantly benefit from being located within a comparatively high level pedestrian traffic area. This District is intended to accommodate retail and service activities which are not generally compatible with the intended character of the Township's Village Commercial District. The General Commercial District is intended to implement, in part, the Mixed Use Area(s) component of the Leland Township Comprehensive Development Plan.

#### **B. Uses Permitted By Right**

1. Automobile dealership.
2. Automobile car wash.
3. Offices and showrooms of plumbers, electricians, decorator, or similar trades in connection with which not more than twenty-five (25) percent of the floor area of the building or part of the building occupied by said establishment is used for making, merchandise, and provided that the ground floor premises facing upon, and visible from any abutting street shall be used only for entrances, offices or display.  
(Amendment 1999-01)

4. Wholesale businesses handling candy, drugs, jewelry, novelties, professional barber and beauty supplies, office supplies, radio and television parts, tobacco, and similar products.
5. Service establishments, including computer services, printing, publishing, photographic reproduction, blueprinting, and related trades or arts.
6. Building supply and equipment, for predominantly retail sales.
7. Private clubs and meeting halls.
8. Veterinarian clinic.
9. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use. (Amendment 1999-01)
10. Single family dwelling. (Amendment 2001-01)
11. Standard restaurants. (Amendment 2009-02)

**C. Special Land Uses Permitted By Special Approval**

1. Public facilities, including parking lots, cemeteries, parks, schools, libraries, and similar uses and activities, including administrative buildings associated with public utilities and substations or structures and enclosures or shelters for utility service equipment and maintenance depots associated with public utilities.
2. Motor vehicle, trailer, and boat service and repair stations.
3. Open air business including automobile, truck, and boat sales; nursery and landscape supplies sales; sale of lawn furniture, farm equipment, and playground equipment, and similar outdoor businesses.
4. Clubs and other establishments which provide food or drink for consumption by persons seated within a building that is not part of a drive-in, and may also provide dancing and entertainment. (Amendment 2009-02)
5. Private parking facility.
6. Motels and hotels.
7. Funeral homes and mortuaries.
8. Mini storage facility.
9. Outdoor commercial recreation, excluding golf courses and country clubs. Accessory uses to the above permitted uses such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, offices for management functions, spectator seating and service areas, and locker rooms and rest rooms are permitted.
10. Schools under private sponsorship including trade schools.
11. Indoor commercial recreation facilities such as indoor theaters, bowling alleys, skating rinks or similar uses.
12. Marina.
13. Public or private office buildings. (Amendment 1997-09)
14. Adult related businesses. (Amendment 1997-17)
15. Single family dwellings.
16. Planned unit development. (Amendment 2004-07)
17. Conversion of existing structure to a condominium project with no more units than in existing structure or the number of units allowed by the district (whichever is greater); provided that all requirements of the building code are met, and that adequate on site parking is provided, based on the standards of Section 21.03. (Amendment 2004-07)

**D. Site Development Requirements**

The following minimum and maximum standards shall apply to all uses and structures in the General Commercial District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 18, General Conditions; or as varied pursuant to Article 4, Zoning Board of Appeals.

1. **Minimum Lot Area:** Eight thousand square feet (8,000) except where the parcel gains access from a minor or major thoroughfare, in which case a minimum lot area of one (1) acre shall be required.
2. **Minimum Lot Frontage and Width:** Fifty (50) feet, except where the parcel gains access from a minor or major thoroughfare, in which case the minimum lot frontage and

- width shall be two hundred (200) feet.
3. **Yard and Setback Requirements:**
    - a. Front yard: Five (5) feet (Amendment 2002-02)
    - b. Side yards: Five (5) feet (Amendment 2002-02)
    - c. Rear yard: Five (5) feet. (Amendment 2002-02)
  4. **Maximum Lot Coverage:** Eighty (80) percent.
  5. **Maximum Height:** Forty (40) feet. (Amendment 2013-07)
  6. Applicable provisions **Article 19:** Nonconforming Uses; **Article 20:** Access Control and Private Roads; **Article 21:** Off-Street Parking and Loading; **Article 22:** Signs; **Article 23:** Landscaping and Screening; **Article 24:** Environmental Standards; and other provisions of this Ordinance as may be applicable.

**Section 12.03 C-3: WATERFRONT COMMERCIAL DISTRICT**

**A. Intent:** The Waterfront Commercial District is intended to provide opportunities for recreation and transportation based public and commercial facilities that are uniquely dependent upon adjacency to lake and/or river resources, or which uniquely benefit from adjacency to such resources. This district is intended to be established only where a parcel has frontage upon a body of water and accommodate specific water-based needs of local residents, area tourists and business owners. Uses established in this District shall be planned and designed so as to not undermine the environmental resources and recreational value of such water sources, and to assure the continued and unimpeded enjoyment of abutting properties by land owners.

**B. Uses Permitted By Right**

1. Marinas.
2. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use, including picnic and playground facilities, restrooms and public park facilities where such facilities are the principal use of the parcel.

**C. Special Land Uses Permitted By Special Approval**

1. Loading and unloading of industrial or commercial goods and passengers where such loading and unloading is the principal use of the waterfront frontage.

**D. Site Development Requirements**

The following minimum and maximum standards shall apply to all uses and structures in the Waterfront Commercial District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 18, General Conditions; or as varied pursuant to Article 4, Zoning Board of Appeals.

1. **Minimum Lot Area:** Ten thousand (10,000) square feet.
2. **Minimum Lot Frontage and Width:** One hundred (100) feet.
3. **Yard and Setback Requirements:**
  - a. Front yard: Twenty-five (25) feet.
  - b. Side yards: Twenty-five (25) feet.
  - c. Rear Yard: Twenty-five (25) feet.
4. **Maximum Height:** Thirty-five (35) feet.
5. **Maximum Floor Area per Building used for Commercial Purposes:** Six thousand (6,000) square feet.
6. **Maximum Lot Coverage:** Twenty (20) percent.
7. Applicable provisions of **Article 19:** Nonconforming Uses; **Article 20:** Access Control and Private Roads; **Article 21:** Off-Street Parking and Loading; **Article 22:** Signs; **Article 23:** Landscaping and Screening; **Article 24:** Environmental Standards; and other provisions of this Ordinance as may be applicable.
8. **Additional Marina Standards:** Marinas shall comply with the following standards and requirements: The Planning Commission may waive under site plan review proceedings

one or more of the above regulations, or portions thereof, if less than four (4) boats are to be docked.

- a. Marinas shall meet all applicable standards and regulations of the Department of Natural Resources, Department of Environmental Quality, U.S. Army Corps of Engineers, and all other county, state and federal agencies having regulatory authority over the use of, or construction upon, the affected surface waters and bottomland. (Amendment 1999-04)

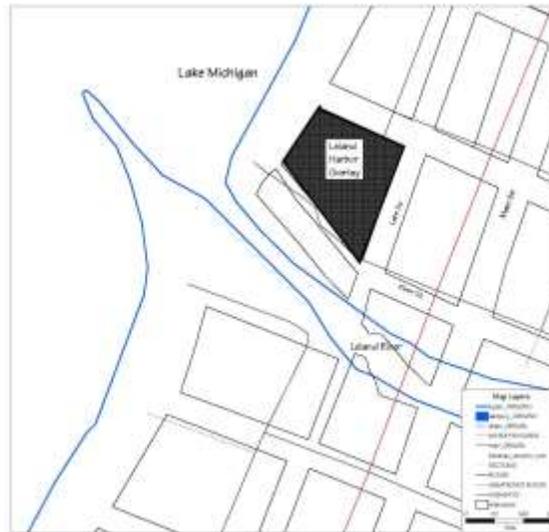
**12.03.1 Leland Harbor Overlay District** (Amendment 2006-05)

**A. Intent**

Due to the unique characteristics of the Leland Township Harbor property located in Leland, an Overlay District is established.

**B. Definition of Overlay District**

Only the property identified on the map below will be included in the Leland Harbor Overlay District.



**C. Regulations**

Property within the overlay district shall comply with all dimensional and use regulations for the underlying C-3 Waterfront Commercial district, except as otherwise specified in this section.

Yard and Setback Requirements:

- a. Front yard: Five (5) feet
- b. Side yards: Five (5) feet
- c. Rear yard: Five (5) feet

**Section 12.04 C-4: Fishtown Historic District** (Amendment 2016-02)

**A. Intent**

The Fishtown Historic District (the “District”) is intended to:

1. Preserve the historical integrity of Leland’ Fishtown area and ensure that it continues as a publicly accessible and authentic connection to local and regional history, Great Lakes commercial fishing, and maritime traditions and experiences;
2. Provide flexibility for the restoration, construction, and relocation of structures, for limited development, in part, and for changes in use within the District to the extent and on the conditions set forth in this Section.

The provisions of this Section shall supersede any conflicting provisions contained in the other Sections of the Leland Township Zoning Ordinance (hereinafter referred to as the “Ordinance”).

**B. Boundaries, Ownership, and Control**

The boundaries of the District are set forth in the following diagram:

[Boundary diagram attached hereto as Exhibit A.]

The properties within the District are owned by Fishtown Preservation Society, Inc. a Michigan nonprofit corporation designated by the Internal Revenue Service as a 501(c)(3) organization (hereinafter referred to as “FPS”). FPS shall have sole responsibility and authority for the management of the District in conformity with this Section. FPS shall give notice to the Zoning Administrator of any transfer of ownership or control of property within the District.

**C. Uses Permitted**

The Uses permitted by right within the District are: historic preservation and restoration, public education, waterfront access, commercial fishing, public angling, charter boat operations, commercial retail and service operations, artisan activities, fishing-related operations, fish processing, research and educational activities, public gatherings, mixed uses and with respect to the property at 206 West Cedar Street (only), a single family dwelling (including short-term rentals), and administrative activities related to the foregoing. Changes in use for a particular structure or area shall be permitted without further approval provided the change is to another use permitted by right and notice thereof is given to the Zoning Administrator.

Changes within the District that would otherwise require a Land Use Permit under the provisions of Section 3.03 A. of this Ordinance shall be subject to review by the Leland Township Zoning Administrator. The Zoning Administrator shall approve any change that is consistent with the “Design Guidelines” set forth on pages 27 through 32 of the Fishtown Site Study, Design and Master Plan (January 2009) (hereinafter referred to as the “Design Guidelines”), as recorded with the Leelanau County Register of Deeds and attached hereto as Exhibit B. If the Zoning Administrator shall find that a proposed change is not consistent with the Design Guidelines, and the issues are not resolved following consultation with FPS, then the change shall require review and approval by the Leland Township Planning Commission under the standards for special land uses set forth in Section 16.01 of the Ordinance.

**D. Dimensional Standards**

The following dimensional standards shall apply to improvements in the District:

1. Alley setback 0' min. north side of river / 5' min. south side river
2. Off-street parking 0 spaces north side of river / number of spaces on south side of river per Section 21.03 as of January 1, 2017 (attached hereto as Exhibit C)
3. Building height 7' min. – 35' max.
4. Property line setbacks 0' north side of river / 5' south side of river
5. Water's edge No closer than any structure within the District as of December 31, 2009
6. Percent lot coverage Maximum of 80% of the District area

**E. Additional Standards**

1. Right-of -Way. Changes in the use of the West River Street right-of-way are subject to review and approval by the Leelanau County Road Commission.
2. Utilities. New utility lines shall be located below grade. Any changes in the utility infrastructure shall be subject to review and approval by the Zoning Administrator and subject to all relevant county and state permitting requirements.
3. Site Drainage. The placement of any new buildings or building to be relocated shall be subject to review by the Drain Commissioner and the Soil Erosion Control Officer.
4. Pedestrian Circulation. Changes in the pedestrian circulation systems shall be isolated from the vehicular circulation system to the greatest extent possible and subject to review by the Zoning Administrator.
5. Signage. Signage within the District shall be within the control of FPS and consistent with the Design Guidelines. Educational and interpretive signage and other materials shall be allowed at the discretion of the FPS. One freestanding sign externally directed such as an entrance sign, not exceeding thirty-two (32) square feet and not internally illuminated or having any visible moving, revolving or flashing components, shall be permitted subject to review and approval by the Zoning Administrator.
6. Nonconforming Uses and Nonconforming Buildings. Nonconforming Uses and Nonconforming Buildings, as defined in this Ordinance, may continue until they are removed by FPS. Any Nonconforming Building that is damaged by fire or act of nature may be reconstructed on the original building footprint and within its original spatial envelop. Any building relocated within the District shall be reviewed by the Zoning Administrator and approved by the Planning Commission.

# Article 13

## INDUSTRIAL DISTRICTS

### **Section 13.01 M-1: LIGHT MANUFACTURING DISTRICT**

**A. Intent:** It is the intent of the Light Manufacturing District to provide for a variety of manufacturing and industrial uses that can be generally characterized as being of low intensity, including the absence of objectionable external affects such as noise, fumes, excessive heavy truck traffic and similar characteristics. This district is also intended to accommodate commercial establishments not engaging primarily in retail sales. Such industrial areas should be free of incompatible uses, and designed to avoid negatively impacting adjacent conforming uses. Public sewer or water is not available in this District and all future land uses and activities in this District shall provide for safe sewage disposal and potable water.

### **B. Uses Permitted By Right:**

The following are uses permitted by right when conducted in a permanent fully enclosed building or an area enclosed and screened from external visibility beyond the lot lines of the parcel upon which the use is located:

1. Tool and die manufacturing establishments.
2. Plastic molding and extrusion.
3. Central dry-cleaning establishments.
4. Monument and art stone production
5. Printing and publishing
6. Building material sales yard, including retail lumber yards and incidental millwork; storage facilities for building materials, sand, gravel, stone, lumber, and contractor's equipment; warehousing and wholesale establishments; storage and transfer establishments; distribution plants; parcel delivery service; and ice and cold storage plants.
7. Commercial uses not primarily involved in retail sales as a primary use, including but not limited to building material suppliers.
8. The manufacturing, compounding, processing and packaging of drugs, perfumes, pharmaceuticals, toiletries, and condiments.
9. The manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, zinc and aluminum pressure die casting, shell, textiles, tobacco, wood (excluding planing mill), yarns, and paint not requiring a boiling process.
10. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts such as condensers, transformers, crystal holders, and the like.
11. Laboratories; experimental, film or testing.
12. Public utility service yard or electrical receiving transforming station.
13. Painting, upholstering, rebuilding, conditioning, body and fender work, repairing, tire recapping or retreading, and battery manufacture.
14. Lumber processing.

### **C. Special Land Uses Permitted By Special Approval:**

1. Automobile salvage and junkyards.
2. Residential quarters for a caretaker/security personnel, provided it is clearly accessory to the principal use, does not occupy more than 400 square feet of space, and does not violate any setbacks.
3. Industrial park.
4. Communication Towers (Amendment 1997-18)

**D. Site Development Requirements:**

The following minimum and maximum standards shall apply to all uses and structures in the Light Manufacturing District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 18, General Conditions; or as varied pursuant to Article 4, Zoning Board of Appeals.

1. **Minimum Lot Area:** One (1) acre.
2. **Minimum Lot Frontage and Lot Width:** Two hundred (200) feet.
3. **Yard and Setback Requirements:**
  1. Front yard: Thirty-five (35) feet.
  2. Side yard: Fifteen (15) feet, except in the case where a side yard abuts a Residential and Conservation zoning district, in which case the minimum required side yard shall be fifty (50) feet.
  3. Rear Yard: Twenty-five (25) feet, except in the case where a rear yard abuts a Residential or Conservation zoning district, in which case the minimum required rear yard shall be fifty (50) feet.
4. **Maximum Lot Coverage:** Fifty (50) percent.
5. **Maximum Height:** Forty (40) feet.
6. Applicable provisions of **Article 19:** Nonconforming Uses; **Article 20:** Access Control and Private Roads; **Article 21:** Off-Street Parking and Loading; **Article 22:** Signs; **Article 23:** Landscaping and Screening; **Article 24:** Environmental Standards; and other provisions of this Ordinance as may be applicable.

# Article 14

*This Article Reserved for Future Use*

# Article 15

*This Article Reserved for Future Use*

# Article 16

## STANDARDS FOR SPECIAL LAND USES

The following standards apply to the special land uses permitted by special approval in Articles 10 through 15 of this Ordinance. The regulations and standards contained in this Article shall be applied in addition to any other applicable standard or regulation contained elsewhere in this Ordinance unless specifically noted otherwise. Section 16.01 includes general standards applicable to all special land uses. The remaining sections of this Article include standards, which are applicable to specific special land uses as designated.

### **Section 16.01 GENERAL STANDARDS APPLICABLE TO ALL SPECIAL LAND USES** (Amendment 2004-02)

A. Approval of a special land use shall be based on the determination that the proposal, will comply with all applicable requirements of this Ordinance, including site plan review criteria set forth in Article 6, and applicable supplemental standards for specific use set forth in this Article. The land use or activity shall be consistent with and shall comply with the following standards:

1. The general principles and objectives of the Comprehensive Development Plan of the Township are proper and relevant consideration by the Planning Commission in reaching its decision.
2. The proposal is consistent with and in accordance with the general objectives, intent and purposes of this Ordinance.
3. The proposal is designed, constructed, operated and maintained so as to be consistent, compatible and appropriate in appearance with the existing adjacent land uses, existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. In determining whether this requirement has been met, consideration shall be given to:

a. Compatibility with Adjacent Land Uses

The proposed special approval shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design of the proposed special approval shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:

- 1) The location and nature of the use will not be in conflict with any Use Permitted by Right of the district.
- 2) The location and screening of vehicular circulation and parking areas in relation to surrounding development.
- 3) The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
- 4) The hours of operation of the proposed use. Approval of a special approval request may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
- 5) The design and placement of the structures and infrastructure for the proposed use in relation to surrounding uses.
- 6) The relation of the character, density and open space of the surrounding area to density and open space of the proposed project, considering the overall site design, including landscaping and other proposed site amenities.

b. Public Services

The proposed special approval shall be located so as to be adequately served by essential public facilities and services, such as highways, streets, emergency services, drainage systems, water and sewage facilities, and schools, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the special approval is established.

c. Impact of Traffic

The location of the proposed special approval within the zoning district shall minimize the impact of the traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:

- 1) Proximity and access to major thoroughfares.
- 2) Estimated traffic generated by the proposed use.
- 3) Proximity and relation to intersections.
- 4) Adequacy of driver sight distances.
- 5) Location of and access to off-street parking.
- 6) Required vehicular turning movements.
- 7) Provisions for pedestrian traffic.

d. Detrimental Effects

The proposed special approval shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental or hazardous to persons or property or to public health, safety, and welfare. In determining whether this requirement has been met consideration shall be given to the level of traffic noise, vibration, smoke, fumes odors, dust, glare and light.

e. Economic Well-Being of the Community

The proposed special approval shall not be detrimental to the economic well-being of those who will use the land or residents, businesses, landowners, and the community as a whole.

f. Compatibility with Natural Environment

The proposed special approval shall be compatible with the natural environment and conserve natural resources.

4. Meet the site plan review requirements of Article 6.
5. Conform with all applicable county, state and federal requirements for that use.  
The Planning Commission may deny, approve, or approve with conditions, requests for special approval, based on the standards above. (Amendment 2004-08)

**Section 16.02 ADULT FOSTER CARE FACILITIES**

**A. The following site and developmental requirements shall apply:**

1. A state licensed adult foster care group home shall not be located within fifteen hundred (1,500) feet of another similar state licensed facility.

**B. Special Performance Standards:**

1. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit. In the case of an adult foster care large group home; the driveway may not be used for this purpose.
2. Adult foster care small group home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.
3. Adult foster care large group homes shall provide a loading/unloading area of adequate dimensions near a barrier-free entrance to the facility, and provide a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.

**Section 16.03 AIRPORTS AND AIRPLANE LANDING STRIPS**

**A. The following site and developmental requirements shall apply:**

1. Landing strips for use by the owner or lessee of the premises for the operation and maintenance of personal aircraft only shall meet the following minimum standards:
  - a. The landing strip shall be a minimum of one thousand two hundred feet in length and shall be free of obstructions for a distance of fifty (50) to both sides of the landing strip, as measured from the centerline of the landing strip, and for a distance at the end of the landing strip to allow a clear approach slope of 20:1.
  - b. Such landing strips shall be situated on a parcel of at least twenty (20) acres in size.
2. All other landing strips shall comply with all applicable standards and regulations of the Michigan Aeronautics Commission.

**B. Special Performance Standards:**

1. Approval of landing strips for use by the owner or lessee of the premises for the operation and maintenance of personal aircraft only shall not be made prior to the submittal by the applicant of the Federal Aviation Authority's review of the proposed landing strip.
2. Plans for all other landing strips shall be approved by the Federal Aviation Authority and Michigan Aeronautics Commission prior to the submittal to the Township for review and approval. Parcels for such landing strips shall abut a major thoroughfare and be afforded access to and egress from the parcel via the major thoroughfare.

**Section 16.04 AUTOMOBILE SERVICE AND REPAIR STATIONS**

**A. The following site and developmental requirements shall apply:**

1. For facilities with new underground storage tanks, the site shall be three hundred (300) feet from any residential well, eight hundred (800) feet from a non-community public water well and two thousand (2,000) feet from any public water well.
2. Ingress and egress to the facility shall be only from a paved major thoroughfare, or from a shared access drive to such roadway.
3. No more than two (2) driveways onto a roadway shall be permitted per site. Driveway approach width shall not exceed thirty-five (35) feet.
4. The site shall be no less than two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church or other institution. Measurement shall be the closest distance between exterior lot lines.
5. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line or within thirty (30) feet from the street right-of-way and shall be arranged so that motor vehicles using them will not be parked on or overhanging any public sidewalk or street right-of-way.
6. The entire area used for vehicle service shall be hard-surfaced and adequately drained.

**B. Special Performance Standards:**

1. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
2. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall be limited to a period of not more than thirty (30) days and then only for the purpose of temporary storage pending transfer to another facility. Such storage shall not occur in front of the building.
3. A car wash may be established as part of the principal structure or as a separate structure but shall conform to all setback requirements for a principal structure.
4. Applicable provisions of Section 24.09.

**Section 16.05 BED AND BREAKFAST**

**A. The following site and developmental requirements shall apply:**

1. No bed and breakfast shall be established closer than one thousand five hundred (1500) feet to another bed and breakfast. The distance shall be measured along the shortest straight line between the buildings.
2. One (1) parking space per room to be rented shall be provided on site, in addition to the parking required for a single-family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.

**B. Special Performance Standards:**

1. The bed and breakfast facility must be a single-family dwelling, which is operated and occupied by the owner of the dwelling. Meals may be served to overnight guests only. Meals shall not be served to the public at large. The number of bedrooms in a bed and breakfast available for use by transient guests for compensation shall not exceed the following according to the zoning district within which the bed and breakfast is located:
  - a. R-1A, R-1B, R-2 and C-1 Districts: Three (3) bedrooms.
  - b. AC, AR, and R-3 Districts: Five (5) bedrooms.

2. The applicant shall provide a scaled floor plan of the premise as part of the special land use application.
3. The exterior appearance of the structure shall not be altered from its single-family character.
4. The impact of the bed and breakfast establishment on the neighborhood shall be no greater than that of a private home with weekend guests.
5. Retail sales are not permitted beyond those activities serving overnight patrons.
6. No receptions, private parties or activities for which a fee is paid shall be permitted.
7. Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling shall be prohibited.
8. The establishment shall contain at least two (2) exits to the outdoors.
9. Rooms utilized for sleeping must be part of the primary residential structure and not have been specifically constructed or remodeled for rental purposes.
10. No guest room shall be located in a basement or cellar unless that guest room is provided direct access to the outside by way of a door.
11. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) year.
12. Lavatories and bathing facilities shall be available to all persons using the premises.
13. No separate or additional kitchen facilities shall be provided for the guests.

**Section 16.06 CEMETERIES**

**A. The following site and developmental requirements shall apply:**

1. No more than five percent (5%) of the site area may be occupied by buildings.
2. All burial plots and all structures shall be set back no less than thirty (30) feet from any lot line or street right-of-way.
3. Parking shall be provided on the site, at least fifty (50) feet from any lot line, and no cemetery parking shall be permitted on any public street.

**B. Special Performance Standards:** All facilities for the ground burial area of the site shall be designed and constructed in accordance with the requirements of the Leelanau County Health Department and the State of Michigan.

**Section 16.07 COMMERCIAL STABLES**

**A. The following site and developmental requirements shall apply:**

1. A minimum of five (5) acres must be provided for the first horse, and an additional one half (1/2) acre must be provided for each additional horse, provided further that at least ten (10) acres is provided for the first six (6) horses, and an additional ten (10) acres be provided for each subsequent multiple of six (6) horses.
2. Commercial stables shall provide off-street parking at a minimum of one parking space per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stable.
3. Stables may not be located in platted subdivisions or condominium subdivisions.
4. Animals shall be confined in a suitably fenced area or paddock to prevent their approaching nearer than fifty (50) feet to any dwelling on adjacent premises.
5. Stables and piles of manure or feed shall not be located nearer than one hundred fifty (150) feet to any lot line.
6. A vegetative strip of at least fifty (50) feet wide shall be maintained between any animal holding area, manure pile, or manure application area and any surface water or wellhead. In areas with slopes of over five percent (5%), the Planning Commission may increase setbacks in order to minimize runoff, prevent erosion, and promote quick nutrient absorption.

**B. Special Performance Standards:**

1. All stables shall be operated in conformance with all applicable county, state and federal regulations.
2. The facility shall be constructed and maintained so that dust and drainage from the stable

- will not create a nuisance or hazard to adjoining property or uses.
3. Manure piles shall be stored, removed, and/or applied in accordance with Michigan Department of Agriculture and County Health Department regulations.
  4. Enclosed riding arenas associated with commercial stables shall not exceed fifteen thousand (15,000) square feet in gross floor area.
  5. No living quarters shall be located in any arena building.
  6. Special events for which a fee is paid, such as shows, exhibitions, and contests shall only be permitted after a temporary zoning permit has been secured.
  7. The Planning Commission may limit the number of horses and prescribe the manner of keeping the animals as necessary to prevent offensive odors, the pollution of water supplies, and/or the spread of infectious disease.

**Section 16.08 TEMPORARY OFF-SEASON AGRICULTURAL BUILDING STORAGE**

**A. The following site and developmental requirements shall apply:**

1. Minimum parcel size shall be forty (40) acres.

**B. Special Performance standards:**

1. A permit issued for temporary off-season agricultural building storage shall expire if agriculture is not maintained as the principal use of the parcel for a period in excess of one (1) year.

**Section 16.09 CONCENTRATED LIVESTOCK OPERATIONS**

**A. The following site and developmental requirements shall apply:**

1. Feedlots must be no closer than one-thousand (1,000) feet from any residential dwelling.
2. Minimum lot size shall be twenty (20) acres.
3. Structures associated with the livestock operation shall be located no closer than one hundred and fifty (150) feet to a public right-of-way or to any adjacent property line.
4. The area utilized for the dispensing of waste material shall be no closer than three hundred (300) feet to any public right-of-way, or to any adjacent property line.
5. All pastured animals shall be maintained at least fifty (50) feet from any dwelling on adjacent premises.

**B. Special Performance standards:**

1. All manure shall be incorporated or disposed of in accordance with best management practices recognized by the Michigan Department of Agriculture.
2. The feedlot and waste disposal facilities shall be set back a minimum of fifty (50) feet from the ordinary high water mark of lakes, rivers, and tributaries, creeks and drainage ditches.
3. Appropriate runoff control devices, including but not limited to a vegetative buffer zone, shall be established to prevent sediment or manure from reaching neighboring property, drainage ways, wetlands and surface water.
4. Livestock operations shall be designed and managed to minimize odor impacts on neighboring properties.

**Section 16.10 NURSING HOMES**

**A. The following site and developmental requirements shall apply:**

1. All ingress and egress for the site shall be from a paved minor or major thoroughfare.
2. No building shall be closer than fifty (50) feet to any lot line.

**B. Special Performance standards:**

1. Parking areas shall not be located within fifty (50) feet of a residential district or use.
2. All facilities shall be licensed by the Michigan Department of Public Health and shall conform to applicable state and federal laws.

**Section 16.11 CHURCHES AND RELIGIOUS INSTITUTIONS**

**A. The following site and developmental requirements shall apply:**

1. All ingress and egress for the site shall be from a paved major or minor thoroughfare.
2. The site shall be at least two (2) acres in size.
3. No more than twenty-five (25) percent of the site area shall be covered by buildings. No more than sixty percent (60%) of the site shall be covered by impervious surface.
4. No building shall be closer than fifty (50) feet from any lot line or right-of-way.
5. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back an additional one (1) foot for each one (1) foot of additional height above the district height limitation. A spire is excluded.

**B. Special Performance Standards:**

1. Use of the structure shall not result in accrual of distributable profits, realization of private gain resulting from payment or compensation in excess of a reasonable and customary allowance for salary or other compensation for services rendered, or realization of any other form of private gain.
2. No day care center, private school, or other use requiring a Special Approval shall be allowed without a separately approved Land Use Permit for each use.
3. Signs shall be limited to one (1) identification sign and one (1) changeable message board. The identification sign shall have a maximum area of twenty-four (24) square feet. Both signs may be lighted but not internally.

**Section 16.12 Reserved for Future Use**

**Section 16.13 GROUP HOME DAY CARE FACILITIES**

**A. The following site and developmental requirements shall apply:**

1. A group day care home shall not be located closer than one thousand five hundred (1,500) feet to any of the following facilities as measured along a street, road, or other public thoroughfare, excluding an alley:
  - a. Another licensed group day care home.
  - b. A adult foster care large group home licensed by the State of Michigan.
  - c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people, which is licensed by the State of Michigan.
  - d. A community correction center, resident home, halfway house or other similar facility, which houses an inmate population under the jurisdiction of the Department of Corrections.

**B. Special Performance Standards:**

1. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high.
2. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the neighborhood. A group day care home should not require exterior modifications to the dwelling nor should the front yard be the location of play equipment, except on a corner lot.
3. One identification sign shall be permitted. Such sign face shall not be greater the two (2) square feet, shall be mounted flush to a wall, made of a material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall be limited to the name of the facility and an address.
4. At least one (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used for this purpose. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for non-family employees of the dwelling and the parking normally required for the residence.
5. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.

**Section 16.14 VETERINARIAN CLINICS**

**A. The following site and developmental requirements shall apply:**

1. Buildings where animals are kept, dog runs, paddocks, and/or exercise areas shall not be located nearer than one hundred feet (100) to any adjacent lot line in a residential zoning

district, or to any adjacent building used by the general public, and shall not be located in any required yard.

**B. Special Performance Standards:**

1. Uses permitted include medical treatment, retail sales and boarding.
2. All activities must be confined within a fully enclosed building.
3. All principal use activities shall be conducted within a totally enclosed main building.
4. There shall be no storage or boarding of animals outside of the fully enclosed building.
5. No dogs shall be permitted in open run areas between the hours of 10:00 p.m. and 7:00 a.m.
6. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.

**Section 16.15 KENNELS**

**A. The following site and developmental requirements shall apply:**

1. The lot area shall be at least five (5) acres in size.
2. Kennels may not be located in a platted subdivision or condominium subdivision.
3. Buildings where animals are kept, runs, and exercise areas shall not be located nearer than one hundred feet (100) to any adjacent lot line in a residential district or any adjacent building used by the general public. Runs and/or exercise areas, and buildings where the animals are maintained, shall be located in the rear yard only.

**B. Special Performance Standards:**

1. All kennels shall be operated in conformance with all applicable county, state and federal regulations.
2. All animals must be licensed and maintained in a healthful and careful manner.
3. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
4. Habitual barking or unusual noise from the kennel, which results in a nuisance to neighboring landowners or residents, is prohibited.
5. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 7:00 a.m.
6. During the hours of 7 a.m. until 10 p.m. animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
7. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.
8. The outside perimeter of the run and/or exercise area shall be enclosed by chain link or cyclone fencing at sufficient height or completely covered on sides and top to prohibit the escape of animals.
9. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.
10. Animal odors shall not be detectable beyond the lot lines of the property in which the kennel is located.

**Section 16.16 MINI STORAGE FACILITIES**

**A. The following site and developmental requirements shall apply:**

1. The facility shall have direct access to a paved minor or major thoroughfare.
2. The minimum lot or parcel size for mini storage facilities shall be 2 acres.
3. One (1) parking space shall be provided for each twenty (20) rental units within the buildings, and one (1) parking space shall be provided for each employee.
4. There shall be a minimum of thirty five (35) feet (forty-five (45) feet if the driveway is two-way) between warehouses for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, said building separation need only be twenty five (25) feet. Traffic direction and parking shall be designated by signaling or painting.

5. The lot area used for parking and access shall be provided with a permanent, durable, dustless surface and shall be graded and drained so as to dispose of all surface water.

**B. Special Performance Standards:**

1. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted from the storage units by the lessees.
2. Not more than three thousand six hundred (3,600) square feet in total area shall be occupied or used by any single tenant.
3. Storage spaces shall not contain more than 400 square feet each.
4. Storage of goods shall be limited to personal property with no commercial distribution allowed and no operation which requires the regular delivery or pick-up of goods in truck in excess of one and one-half (1.5) ton capacity shall be permitted.
5. All storage shall be within the enclosed building area. There shall be no outside storage or stockpiling.
6. The exterior of mini-storage buildings shall be of finished quality and maintained so as not to be offensive to adjacent property or abutting streets.
7. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.

**Section 16.17 MOTELS**

**A. The following site and developmental requirements shall apply:**

1. Ingress and egress to the motel shall be only from a paved major thoroughfare.

**B. Special Performance Standards:**

1. Provisions shall be made for safe and efficient egress and ingress to public streets and highways serving any development and shall be designed to minimize congestion and interference with normal traffic flow.
2. No guest shall establish permanent residence at the motel.

**Section 16.18 MULTIPLE FAMILY DEVELOPMENT**

**A. The following site and developmental requirements shall apply:**

1. Multiple family dwelling units shall be permitted at a density no greater than six (6) units per acre.
2. All developments for multiple family dwellings shall have direct access to a paved minor or major thoroughfare.

**B. Performance Standards:**

1. Provisions shall be made for safe and efficient egress and ingress to public streets and highways serving any development and shall be designed to minimize congestion and interference with normal traffic flow.
2. All streets and driveways in the development shall be constructed and maintained with an all weather road surface.
3. No dwelling unit shall have its principal access more than one hundred fifty (150) feet from either an access drive or a public street, and the required off-street parking area.
4. The distance between any two (2) residential structures, which occupy the same lot, shall be not less than thirty (30) feet, if both of the walls facing each other contain windows or other openings, and not less than twenty (20) feet for all other situations.
5. All developments shall provide for underground installation of all utilities.
6. There shall be provided easily accessible and usable open space in the development in an amount of ten percent (10%) of the site area or five hundred (500) square feet per four dwelling units, whichever is greater.
7. All group off-street parking facilities shall be adequately lighted during hours of darkness.
8. All streets and roadways shall have a minimum pavement width of thirteen (13) feet for one-way streets, and twenty-four (24) feet for two-way streets. Driveways shall have a minimum paved width of ten (10) feet.
9. Only the following land and/or building uses shall be permitted.

- a. Multiple family dwellings as defined in this Ordinance.
- b. One (1) office space for conducting the business of the development.
- c. Utility areas for laundry facilities and auxiliary storage for tenants.
- d. Recreation area such as community buildings, playgrounds, and open space for tenants.

**Section 16.19 OPEN AIR BUSINESSES**

**A. The following site and developmental requirements shall apply:**

1. All buildings and areas used for loading and unloading shall be set back a minimum of fifty (50) feet from any lot line.
2. Ingress and egress to the facility shall be only from a major thoroughfare.
3. Storage yards associated with home and garden centers, lumberyards and nurseries shall be completely obscured from view from public streets.

**B. Special Performance standards:**

1. In the case of auto sales:
  - a. No vehicles, which are unlicensed and/or inoperative, shall be stored on the premises.
  - b. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance, including tire replacement, adding oil and wiper replacement.
  - c. There shall be no test-driving of vehicles on local residential streets.
  - d. All areas subject to vehicular use shall be paved with a durable dust-free surface, with appropriate bumper-guards where needed.
2. Storage or display of goods and materials shall not occur in the required yards.
3. Christmas tree sales associated with nurseries need not comply with the requirements of Section 18.06(A)(3).
4. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse affect on adjacent properties, water bodies, wetlands and drainage ways.

**Section 16.20 PLANNED UNIT DEVELOPMENTS (See Article 17)**

**Section 16.21 PUBLIC FACILITIES**

**A. The following site and developmental requirements shall apply:**

1. No building or outdoor storage area shall be closer than fifty (50) feet to any property or street right-of-way line.
2. Facilities shall provide off-street parking and passenger loading areas at least twenty-five (25) feet from residential lot lines.
3. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.
4. All sports fields shall be a minimum of one hundred (100) feet from any lot line and two hundred (200) feet from any dwelling.

**B. Special Performance Standards:**

1. All buildings shall be harmonious in appearance with the surrounding area and shall be similar in design and appearance to other buildings on the same development site.

**Section 16.22 SCHOOLS**

**A. The following site and developmental requirements shall apply:**

1. Ingress and egress to the site shall be only from a paved major thoroughfare.
2. The minimum lot or parcel size shall be one (1) acre.
3. No more than sixty (60) percent of the site shall be covered with impervious surface. The remainder shall be suitably landscaped.
4. Service areas and facilities, and outdoor recreation facilities, shall not be located within one hundred (100) feet of a residential district or use.
5. Parking areas shall not be located within fifty (50) feet of a residential district or use.
6. Student drop-off and vehicular turn-around facilities shall be provided on the site so that vehicles will not interfere with traffic.

7. No parking shall be allowed within the minimum front yard setback of fifty (50) feet.
8. The principal building shall be no closer than seventy-five (75) feet from any lot line or right-of-way.

**Section 16.23 SHOOTING RANGES (Amendment 2016-01)**

- A. Minimum lot areas for an outdoor shooting range shall be 120 acres.
- B. Minimum front, side and rear yard setbacks shall be 1,000 feet.
- C. A site plan for an outdoor range shall be submitted to the Planning Commission, clearly indicating all safety provisions to assure that any ammunition fired within the confines of a shooting range shall not carry into or over an adjacent district or area.
- D. Rifle and pistol ranges shall have adequate backstops that meet industry standards, and to the extent feasible, shots will be fired into a wall, earth berm, and/or similarly effective backstops approved by the Planning Commission.
- E. A fence with attached warning signs shall be provided around the entire property to assure that individuals will not unknowingly trespass on the property.
- F. Hours of operation on Monday through Saturday shall be between 9 a.m. and 8 p.m. or one-half hour prior to sunset, whichever is earlier. Hours on Sunday shall begin no earlier than noon and shall end no later than 6 p.m. or one-half hour prior to sunset, whichever is earlier.
- G. Ammunition recovery shall be required by the range owner, unless a system designed to eliminate the need for recovery is provided. Soil testing to monitor lead levels shall be conducted at the expense of the range owner a minimum of once every five years. These soil tests shall be conducted by an engineering or environmental firm experienced in this field. The soil tests must demonstrate that the lead and other metal contaminate levels are below applicable State of Michigan and Federal standards. Should these tests indicate the contaminate levels exceed State and/or Federal standards, a remediation plan shall be developed and implemented by the range owner. Soil testing reports and, if necessary, remediation plans and progress reports from ranges exceeding permitted contamination levels shall be submitted to both the range owner and the Zoning Administrator upon completion. Should the contamination levels exceed State of Michigan and/or Federal standards, all use of the facility shall cease until soil testing following remediation indicates the contaminate levels are within State and Federal allowed levels.
- H. The active shooting area for rifles and pistols shall be located a minimum of 10 feet below the naturally occurring surrounding terrain for the purposes of public safety and noise suppression. The discharge of shotguns shall be permitted at the naturally occurring ground level.
- I. A minimum of a 100-foot vegetative buffer, either naturally occurring or planted, shall exist around the active shooting area. This buffer shall consist of native coniferous trees and shrubs, including but not limited to a mixture of pine, spruce, firs, junipers, yews, and cedars. The site plan shall include a timetable for removal of hardwood trees (deciduous) and replacement with the coniferous trees specified above within 100-foot vegetative buffer. The vegetative buffer is for the purpose of public safety and noise suppression.

**Section 16.24 JUNKYARDS**

**A. The following site and developmental requirements shall apply:**

1. No portion of the enclosed area shall be located within 1000 feet of residentially zoned properties, schools, day care facilities, churches, hospitals, and convalescent or nursing homes.
2. Ingress and egress to the facility shall be only from a major thoroughfare. The Planning Commission may approve access to a minor thoroughfare if the Commission finds that such access point will further minimize impacts on other properties.
3. The minimum lot or parcel size for junkyards shall be ten (10) acres.
4. All enclosed areas shall be set back at least one hundred (100) feet from any lot line. Whenever the installation abuts a residential district, a buffer strip at least two hundred (200) feet in width shall be provided between the enclosed area and the adjoining district. Such strip shall contain plants, grass, and structural screens of a type approved by the Planning Commission.

5. Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.
6. The front yard shall be planted with trees, grass, and shrubs. The spacing and type of plant materials shall be consistent with the provisions of Section 23.04 of this Ordinance.
7. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around all sides of the area used to store junk to screen said site from surrounding property. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. Such fence, wall or berm shall be of permanent finish and construction.

**B. Special Performance Standards:**

1. All activities shall be confined within the enclosed area including any: storage of materials; stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all operative and inoperative vehicles. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.
2. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
3. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.
4. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles.
5. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Natural Resources.
6. Applicable provisions of Section 24.09.

**Section 16.25 INDUSTRIAL PARKS**

**A. The following site and developmental requirements shall apply:**

1. An industrial park may include all uses permitted by right within Section 13.01(B), and those special land uses identified in Section 13.01(C) subject to the special land use provisions of Article 7 and 16.
2. The minimum required land area for an industrial park shall be ten (10) contiguous acres.
3. The development of an industrial park shall be in accordance to an overall plan for development of the park, which plan shall be approved by the Township Planning Commission.
4. The developer shall provide within the industrial park a sanitary sewage system, which shall be of sufficient size and design to collect all sewage from structures within the industrial park, which system shall connect with Township system. If sewers are not available, the park's sanitary sewer system shall be designed so as to dispose of all sewage and shall be otherwise constructed and maintained in conformity with the statutes, ordinances, and regulations of the State of Michigan, Leelanau County Health Department, Leelanau County Drain Commissioner and the Township.
5. The developer shall provide within the industrial park a storm drainage system which shall be of sufficient size and design as will in the opinion of the County's Engineer collect, carry off, and dispose of all predictable surface water runoff within and draining into the industrial park, and shall be so constructed as to conform with the statutes, ordinances and regulations of the State of Michigan, the Leelanau County Drain Commissioner and the Township.
6. If a public water system is not available, the developer shall provide within the industrial park a potable water system, which shall be of sufficient size and design to supply potable water to each of the structures to be erected in the development.
  - a. The developer shall also provide a fire hydrant within four hundred (400) feet of each structure.

- b. Such water system shall conform to the statutes, ordinances, and regulations of the State of Michigan, the Leelanau County Health Department, the Leelanau County Drain Commissioner and the Township.
- 7. All industrial parks shall have direct access to a major thoroughfare.
  - a. All points of vehicular access to and from public streets shall be located not less than two hundred (200) feet from the intersection of any public street lines with each other.
- 8. No part of any parking access and/or service area may be located closer than one hundred-fifty (150) feet of any residential property line.
- 9. Parking, loading, or service areas used by motor vehicles shall be located entirely within the boundary lines of the industrial park.
- 10. Any industrial park adjoining any residential development shall be provided with a buffer zone of at least sixty (60) feet wide which shall be located adjacent to the property line. Such buffer zone shall be planted with evergreen trees and other suitable plantings and used for no other purposes as provided in Article 14. A landscaped planting area shall also be provided along all street frontages, which shall not be less than sixty (60) feet in width.
- 11. Maximum building coverage on any lot within the industrial park shall not exceed forty (40) percent.

**B. Special Performance Standards:**

- 1. Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the industrial park without undue congestion or interference with normal traffic flow.
- 2. Lighting facilities shall be required where deemed necessary for the safety and convenience of employees and visitors. These facilities will be arranged in such a manner so as to protect abutting streets and adjacent properties from unreasonable glare or hazardous interference of any kind.

**Section 16.26 FARM MARKET**

**A. The following site and developmental requirements shall apply:**

- 1. The farm market shall not exceed an area of twenty thousand (20,000) square feet.
- 2. The farm market shall be located no closer than one hundred fifty (150) feet from any lot line which abuts a residential zone or dwelling unit, and no activity or structure, including parking areas, shall be located within twenty-five (25) feet of the public right-of-way.
- 3. A minimum of six (6) spaces for off-street parking shall be provided for the exclusive use of the farm market with additional spaces provided at a rate of one (1) space for each one hundred (100) square feet of gross floor area.
- 4. There shall be one access drive, which shall be wide enough to accommodate two (2) vehicles side-by-side.
- 5. Any structure used as a farm market shall not be more than twenty-five (25) feet high unless it is an existing barn.
- 6. A minimum of fifty (50) percent of the retail floor area of the farm market shall be devoted to the sale of products grown, produced, or manufactured in Leelanau County, except that the sale of hardware items, recreational equipment, vehicles, and any other products, which are not farm products, is strictly prohibited.

**Section 16.27 OUTDOOR COMMERCIAL RECREATION**

**A. The following site and developmental requirements shall apply:**

- 1. The site shall be located on a paved minor or major thoroughfare.
- 2. Minimum site area shall be:
  - a. Three (3) acres for; flea markets, batting cages, skateboard parks and mini-golf.
  - b. Ten (10) acres for; amphitheater, amusement parks, driving range, and campgrounds. Minimum lot width shall be six hundred (600) feet.
  - c. Eighty (80) acres for a nine hole course; one hundred sixty (160) acres for an eighteen (18) hole course.
- 3. No building or spectator seating facility shall be located within one hundred (100) feet of a

- lot line.
4. Front, side and rear yards shall be at least eighty (80) feet. The first fifty (50) feet of such yards shall be kept free of off-street parking and shall be landscaped.
  5. A landscaped buffer zone shall be provided between parking and principal building areas and any adjacent residential development. Whenever parking areas are within sixty (60) feet adjacent to land zoned or used for residential purposes, a five (5) foot wall or greater shall be provided along the sides of the parking area adjacent to such residential land.
  6. The entire periphery of racetracks and drive-in theaters shall be enclosed with an obscuring screen fence at least eight (8) feet in height. Fences shall be of permanent finished construction, painted or otherwise finished neatly, attractively and inconspicuously.
  7. A fifty (50) foot minimum undisturbed buffer zone between turf areas and natural water bodies, watercourses or wetlands must be maintained as part of a golf course. The buffer zone must contain natural vegetation and shall not be chemically treated.

**B. Special Performance Standards For All Outdoor Commercial Recreation Facilities:**

1. The applicant shall provide evidence of compliance with all appropriate federal, state, county and local permits as appropriate.
2. Facilities shall provide off-street parking and passenger loading areas.
3. Adequate stacking area shall be provided for vehicles waiting to enter the lot.
4. Facilities, which have a participant capacity greater than five hundred (500) people, shall provide letters of review from the County Sheriff and County Road Commission with respect to the proposed project.
5. In no case shall a recreational accessory use predate the installation and operation of the principal use. When the principal use ceases to operate, the accessory use shall immediately cease.
6. No temporary sanitary facility or trash receptacle shall be located within two hundred (200) feet of an existing dwelling.
7. All sanitary facilities shall be designed and constructed in strict conformance with County Health Department regulations.
8. Except in the case of golf courses, operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours is Monday through Sunday from 7:00 a.m. to 12:00 a.m. (midnight) and may be prohibited on legal holidays.

**C. Special Performance Standards for Camping Facilities**

1. Each campsite shall be set back from any right-of-way or lot line at least seventy (70) feet.
2. A common use area shall be provided in the parcel at a rate of five hundred (500) square feet per campsite.
3. There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development unless specifically permitted.
4. At least one public telephone shall be provided in the facility.
5. No more than one permanent dwelling shall be allowed in a campground, which shall only be occupied, by the owner, manager or an employee.
6. Each campsite shall have a picnic table and designated place for fires.

**D. Special Performance Standards for Golf Courses and Country Clubs**

1. Accessory uses may include; clubhouse/pro shop, managerial facilities, maintenance shed, toilets, lockers, standard restaurant and drinking establishments, tennis, racket sport, and swimming facilities.
2. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.
3. Major accessory uses such as a standard restaurant and bar shall be housed in a single building with the clubhouse. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located

- in separate structures.
4. There may be a maximum of two (2) identification signs. Each sign may have a maximum area of thirty (30) square feet. Both signs may be lighted but not be internally.
  5. Additional parking is required for accessory uses that may be allowed.
  6. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.
  7. All principal or accessory buildings and parking areas shall be not less than two hundred (200) feet from any lot line; provided that where topographic conditions are such that buildings would be screened from view. The Planning Commission may modify this requirement.
  8. Access shall be so designed as to provide all ingress and egress directly onto or from a major or minor thoroughfare.
  9. The total lot area covered with principal and accessory buildings shall not exceed fifteen percent (15%).
  10. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties. In the consideration of golf driving ranges additional buffering conditions necessary to minimize the impact of possible safety threats from projectiles upon adjacent land uses may be imposed by the Planning Commission.
  11. Applicable provisions of Section 24.09.
  12. Water quality protective measures are required as follows:
    - a. Maintenance of erosion control barriers during construction and until all ground cover is established.
    - b. To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge from the premises.
    - c. At any time widespread or non-spot application of herbicide, insecticide, fungicide or rodenticide is to occur, notification signs must be posted at lot lines. The signs are to state the type and name of the chemical, date and time of application, and other appropriate information.
    - d. All chemical applications must be by a Michigan Department of Agriculture Licensed Applicator.
    - e. Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate state statutes and administrative directives.

### **Section 16.28 EXTRACTION OPERATIONS**

**A. Exempt activities:** A land use permit for a special land use is not required for the following extractive activities:

1. Grading and filling in conjunction with commercial, industrial, or residential construction provided a valid building and soil erosion and sedimentation control permits have been issued.
2. Foundations and building pads for any building or structure, provided that a valid building and soil erosion and sedimentation control permits have been issued.
3. Minor landscaping projects provided they do not encroach upon flood-prone areas, protected wetlands, natural drainage ways or the county drainage system.
4. Swimming pool construction provided a valid Land Use Permit has been issued for construction of the pool (see Section 18.04).
5. Excavations relating to the accessory use of land and designed to be filled upon completion of excavation, such as septic tanks, graves, etc.
6. Excavations or leveling for private drives to provide ingress or egress, which have been approved, by the Township and County Road Commission.
7. Excavations reshaping or grading of property for farming purposes such as for orchards or buildings, provided all other necessary permits have been obtained.

**B. The following site and developmental requirements shall apply:**

1. Minimum lot area of five (5) acres.
2. Notwithstanding any other minimum yard sizes required by this Ordinance, excavation activities shall be set back the following minimum distance:
  - a. 75 feet from the right-of-way of any public street, private road, or highway.
  - b. 150 feet from abutting residentially zoned property.
  - c. 50 feet from commercial or industrial zoned abutting property.
3. A perimeter landscape buffer zone (which may consist of naturally occurring vegetation) shall be provided, at a minimum, of fifty (50) feet in width.

**C. Special Performance Standards:**

1. The excavation shall not be used for the disposal of foreign material without prior approval from appropriate local, county and state entities.
2. No operation shall be conducted in a manner so as to raise or lower the water table on surrounding properties except as may be authorized by a Department of Environmental Quality permit.
3. If, in the opinion of the Planning Commission, any extractive use operation might present a dangerous condition if left unprotected, the area involved in the use shall be enclosed by a chain link or similar fence.
4. Any excavator shall be responsible for notifying the Michigan Department of State, Bureau of History when human remains and/or artifactual materials are discovered.
5. All excavations shall use measures to substantially reduce the potential for erosion and limit the amount of sediment reaching surface waters.
6. The excavation shall be graded in a fashion, which will not cause water to accumulate in stagnant pools.
7. Air pollution, noise and vibrations shall be minimized from any effect upon adjacent properties by adequate soundproofed equipment and buildings designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens.
8. Truck or heavy vehicle traffic related to excavation operations shall use major thoroughfares for access to the greatest extent feasible.
9. Public streets within 1500 feet of the exit of the extractive use site shall be kept reasonably clear of mud, dirt and debris from vehicles exiting the site.
10. All vehicles used for the transporting of materials from any extractive use site shall travel to and from the site on a street route, which minimizes adverse impacts on residential neighborhoods.
11. All permitted buildings, structures and stationary equipment associated with excavation activities shall be located a minimum of 150 feet from all lot lines.
12. All reclamation activities shall be initiated at the earliest possible date. Reclamation of the site concurrent with excavation activities shall be undertaken to the extent that the reclamation activities will not interfere with the excavating activity or if the excavating activity will damage the reclaimed areas. No excavation work can extend more than five (5) acres in area until reclamation of the previously excavated five (5) acre area is satisfactorily completed or underway. Excavated areas shall be reclaimed pursuant to a phasing plan approved by the Planning Commission and shall comply with the following standards:
  - a. Vegetation shall be restored by the appropriate seeding of grasses, or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion.
  - b. When excavation operations are completed, the excavated area shall be graded so that no gradients in disturbed earth are steeper than a slope of 3:2 (horizontal-vertical).
  - c. A layer of arable topsoil shall be spread over the excavated area, except exposed

rock surfaces or areas lying below natural water level in accordance with the approved reclamation plan.

- d. Excavation, which has created or extended lakes, ponds or other bodies of water shall meet standards and specifications (particularly with respect to underwater slopes and drop-offs) promulgated by the U.S. Department of Agriculture, Natural Resources Conservation Service, and shall be approved by that agency.
  - e. Where excavation operations result in a body of water, the owner or operator shall place appropriate "Keep Out-Danger" signs around said premises not more than one hundred fifty (150) feet apart.
  - f. Backfill and grading materials shall not be noxious, flammable or toxic.
  - g. Fill and soils shall not be overly compacted and of sufficient quality to be well drained, non-swelling. If the reuse plan involves development of dwellings or other buildings, fill and soils shall be of proper bearing capacity to support foundations and septic systems.
  - h. All temporary structures shall be removed from the premises upon completion of the excavation activity unless said structures are of sound construction and are compatible with the reclamation goals. Said structures shall be accurately depicted upon the approved reclamation plan.
  - i. If the reuse plan involves a recreational or wildlife facility, reclamation plans shall be reviewed by recreation, fisheries and wildlife specialists in the Michigan Department of Natural Resources.
13. The excavator may be required to post an acceptable performance bond pursuant to Section 3.06 of this Ordinance in the amount up to 100 percent of the estimated reclamation costs for each five (5) acres of land to be disturbed or excavated or fraction thereof. Excavation activities shall not be initiated on any location of the site until such performance bond or letter of credit has been posted for that area of the site.

**D. Additional Materials to be Submitted for Special Land Use Review:** In addition to the data requirements of Section 6.03, each application shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:

1. Name and address of surface owner and/or mineral rights owner of land from which excavation activities will take place.
2. Name, address and telephone number of operator (person, firm or corporation who will be conducting the actual excavation).
3. Location, size and legal description of the total site area to be excavated. Include legend showing a north point, scale and date.]
4. Location, width and grade of all easements or rights-of-way on or abutting the area subject to excavation.
5. A statement from the applicant identifying all other federal, state and local permits required, if any.
6. Proof of liability insurance from the operator.
7. Notification of any deed restrictions on the property
8. Provisions for buffer zone, landscaping and screening.
9. Existing and proposed topography at two-foot contour intervals. Such topography shall extend a minimum of 150 feet beyond the top of the bank of excavation.
10. The existing surface water and drainage patterns.
11. A description of the proposed method of excavation, including:
  - a. The area and amount of material to be excavated in cubic yards.
  - b. Proposed side slopes and depths for all portions of the excavated area.
  - c. Proposed drainage system, settling ponds and retention ponds, as appropriate.
  - d. The time, duration, phasing and proposed work schedule of the total project.
  - e. The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.

- f. Area from which excavation will take place in the first year of operation and likewise for each successive year to completion.
- 12. The proposed location of access points to the site and proposed haul routes for disposal of excavated material.
- 13. Proposed plans for fencing, and signs.
- 14. A detailed reclamation plan, drawn to an acceptable scale, and program to be performed upon completion of each phase of the project. At a minimum, the plan of reclamation shall include:
  - a. Physical descriptions of the location of each cell, number of acres included in each cell, estimated length of time to complete each cell in excavation.
  - b. Depiction of finished, stabilized, side slopes, including methods and plant materials proposed for use.
  - c. Landscape plan for the portion of the property disturbed by excavation and associated activities, including an inventory of plant/tree species to be used.
  - d. A reuse plan for the site once excavation is complete.
- 15. Site plan and associated background reports shall document the method of compliance with the performance standards of this section.

**E. Other conditions:** The conditions of any Land Use Permit issued under this section apply not only to the owner but also to the operator who is either an owner or lessee of mineral rights or any other person engaged in or preparing to engage in excavation.

- 1. When an operator disposes of his interest in excavation area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Zoning Administrator may release the operator from the duties imposed upon him by this Ordinance as to the operations, but only if the successor, operator or owner assumes the obligations of the former operator with reference to the reclamation activities. At that time the Land Use Permit may be transferred.
- 2. Excavation operations authorized by the zoning permit shall be inspected with reasonable frequency to determine compliance with this Ordinance and permits issued pursuant to this Ordinance.
- 3. The general site plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology or to correct an oversight. The Planning Commission shall solicit comment from the Township Board on any modifications.
- 4. When activities on or use of the area subjected to excavation, or any portion thereof, have ceased for more than one (1) year, the operation shall be considered abandoned and a new permit necessary before additional excavation activities can occur. Cessation may be determined by any of the following events:
  - a. The completion of the excavation.
  - b. The Township determines that no substantial work has occurred on the site for more than one (1) year.
  - c. The Township has received notification from the owner that operations are complete.
  - d. A zoning permit for the excavation has expired.

**F. Existing Excavation Areas:** All commercial excavations existing on the effective date of this Ordinance shall be subject to the regulations above with regard to future operations. For the purposes of this Section, future operations shall be interpreted to mean any excavation activities which

are not permitted according to the originally issued permit for the excavation operation, including expansion into areas of the site not covered by a Township issued permit validly in place at the effective date of this Ordinance, and shall require special approval.

**Section 16.29 ADULT RELATED BUSINESSES**

**A. Intent.** The purpose of this Section is to clearly define what constitutes an adult related

business and regulate the location and concentration of such businesses but not exclude such businesses. These regulations were created with the understanding that Leland Township acknowledges that there are some uses which, because of their very nature, have serious objectionable impacts when concentrated in location and causing deleterious effects upon adjacent residential and commercial use areas. The Township recognizes that regulation of adult related businesses is necessary to insure that adverse effects will not contribute to the blighting or downgrading of surrounding residential neighborhoods and retail areas.

**B. Definitions.**

1. Adult-Related Business: Any business, club or organization where one or more persons display "specified anatomical areas" or engage in "specified sexual activities" as defined in this Section, either in person or by photograph, motion picture, television or other type of image. This definition includes the following as defined by this Section: "adult bookstore," "adult theater," "massage parlor," "public bath" and "taxi dance hall."
2. Adult Book Store: An establishment permitting physical access by customers to floor area or shelf space which is devoted to the display of books, magazines or other periodicals, videotapes, photographs or motion picture films which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined by this Section. This definition also includes any establishment which indicates the availability of such material by any sign, advertisement or other device audible or visible from anywhere outside the principal building, regardless of the amount of area devoted to said material.
3. Adult Theater: Any establishment presenting material or activity distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined by this Section, for observation by patrons or customers.
4. Massage Parlor: An establishment in which a substantial portion of the business conducted involves the administration of non-therapeutic massage, touching or fondling of such body areas as human genitals, pubic region, buttock or breasts. The term "massage parlor" does not include medical or therapeutic massage services or any state licensed practitioners or medical or related services such as chiropractors or physical therapists.
5. Public Bath: An establishment providing common bathing facilities or hot tubs for use for a fee. Shower facilities, swimming pools, saunas and similar facilities intended as accessory uses in a school, health club, motel or similar facilities are not "public baths."
6. Specified Anatomical Areas: Human genitals, pubic regions, buttock, or any portion of the female breast below a point immediately above the top of the areola when less than completely and opaquely covered, in addition human genitals in a discernibly turgid state, even if completely and opaquely covered.
7. Specified Sexual Activities: Human genitals in a state of stimulation or arousal; acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual), or sodomy; fondling of or erotic touching of human genitals, pubic region, buttock or female breast; bestiality, fellatio or cunnilingus; sadomasochistic abuse and human excretory functions.
8. Taxi Dance Hall: An establishment, which provides dance partners for one or more dances as the direct or indirect result of payment of a fee.

**C. The following site and developmental requirements shall apply:**

1. No adult related business shall be established on any premises where there exists more than one (1) other adult related business within one thousand five hundred (1,500) feet, measured between the closest buildings.
2. The property on which an adult related business is located shall be situated at least five hundred (500) feet from a residential zoning district, church or school as measured between the closest property lines.

**D. Special Performance Standards:**

1. Adult related businesses shall not be located within a building in which one (1) or more

- dwelling units are located.
2. Activities conducted within buildings housing the aforementioned uses shall be shielded in such a manner that no person outside the building can see said activity, provided however, that such shielding shall not consist of a curtain alone, shall not obstruct the exit sign or directional or instructional signs regarding emergency egress, nor be constructed in such a way as to block an exit.
  3. Signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner, which include "specified anatomical areas" or "specified sexual activities.
  4. Operational hours are permitted between 10 a.m. and 10 p.m. only.
  5. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level.
  6. The applicant shall submit a diagram of the premises showing a plan there and specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and illumination intensity of each. A manager's station shall not exceed thirty (30) square feet of floor area.
  7. The premises shall be so configured and designed to provide an unobstructed view of each area of the premises to which any person is permitted access for any purpose, from at least one (1) of the manager's stations.

### **Section 16.30 COMMUNICATION TOWERS**

#### **A. The following site and development requirements shall apply:**

1. The lot shall be a minimum of three (3) acres in size, except in the case where the tower and/or antenna are attached to an existing structure or building.
2. The communication tower shall be located so that the distance from the base of the tower to all lot lines is at least equal to the height of the tower, measured from the surrounding ground surface, plus an additional twenty five (25) feet.
3. The base of the tower shall be fenced with a minimum six (6) foot chain link fence.

#### **B. Special Performance Standards:**

1. All structures, including accessory buildings, shall be located at least thirty (30) feet from a lot line and one hundred (100) feet from any single family dwelling.
2. All towers shall be of monopole construction, consisting of a single pole to support the antenna(s). Skeletal or lattice framework, and guy wires, are prohibited.
3. Towers shall be designed to withstand a uniform wind loading as prescribed by the County Building Code. The plans of the tower construction shall be certified by a registered structural engineer, including the antenna mount and structure.
4. Towers shall be located so that they do not interfere with reception in nearby residential areas.
5. Height of tower shall be less than two hundred (200) feet from grade.
6. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
7. Accessory structures shall not exceed six hundred (600) square feet in floor area.
8. There shall not be advertising of any kind intended to be visible from the ground or other structures.
9. Towers shall be constructed, maintained and operated in conformance with applicable state and federal laws, including laws promulgated by the FAA to assure safety in proximity to airports and landing strips.
10. The applicant shall submit a notarized statement stipulating that the applicant has been denied establishing an antenna on all existing towers in excess of one hundred (100) feet, including the identification of all communication tower owners contacted to meet this requirement. Further, the applicant shall submit a notarized statement stipulating that the proposed tower is specifically designed to accommodate additional antennas for use as a co-location site, and that the application shall permit co-location, under reasonable conditions. Failure to permit reasonable co-location shall be grounds for the removal of the tower or antenna at the owner's expense.

11. Removal of Abandoned Towers (Amendment 1998-02)
  1. All abandoned or unused towers shall be removed within four months of the cessation of operations at the site unless a time extension has been approved by the Zoning Administrator. A copy of the relevant portions of a signed lease, which requires the applicant to remove the tower upon cessation of operations at the site, shall be submitted at the time of application together with a performance bond in an amount adequate to cover the cost of removal of such tower. In the event that a tower is not removed within four months of cessation of operations at the site, the tower may be removed by the township and the costs of removal assessed against the property.
  2. Unused portions of towers above a manufactured connection shall be removed within four months of the time of antenna relocation. Replacement of portions of a tower previously removed requires the issuance of a new permit.

**Section 16.31 COTTAGE INDUSTRIES**

- A. The follow site and developmental standards shall apply:
  1. Cottage industries may be permitted as a special use in the Agricultural Conservation District (AC), Low Density Agricultural–Residential District (AR), Medium Density Lakeshore Residential District (R-1A), Medium Density Inland Residential District (R-1B), Medium Density Village Residential District (R-2), and High Density Residential District (R-3), subject to review and approval by the Planning Commission. Cottage industries shall be allowed on the basis of individual merit, a periodic review of each cottage industry shall be performed to ensure the conditions of approval are adhered to. If any changes are necessary, the request will be reheard by the Planning Commission. If a premise is sold, leased, or rented to a party other than the applicant, the permit shall be terminated.
  2. Cottage industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. There shall be no exterior evidence of such industry.
  3. A cottage industry shall occupy not more than one building. The total floor area of such buildings shall not exceed twenty four hundred (2,400) square feet in the AC or AR District or the allowed size of accessory building for all other districts. In the case of pre-existing structure, the area used for the cottage industry shall not exceed 2,400 square feet.
  4. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and road rights-of-way. If required, the type of screening shall be determined at the discretion of the Planning Commission.
  5. Cottage industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding zoning district.
  6. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
  7. Cottage industries shall be conducted only by the person or persons residing on the premises. The Planning Commission may allow up to two additional employees or assistants.
  8. To ensure that the cottage industry is compatible with surrounding residential use, a "not-to-exceed" number of vehicles that may be parked at any given time during business operations shall be established by the Planning Commission during the review and approval process.
  9. Hours of operation shall be approved by the Planning Commission.

B. Termination, Extensions, Revisions, and Inspections

1. Upon written application by the owner, the Planning Commission may, for just cause, grant time extension for compliance with the conditions of this Section.
2. Any cottage industry shall be subject to periodic review by the Zoning Administrator.
3. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the cottage industry. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a special approval.
4. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on the findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this ordinance. The Planning Commission shall have the authority to order a limit on the hours of operation, impose conditions of operation or, if deemed necessary, order the complete termination of the activity.
5. Proposed revisions or additions to a cottage industry shall constitute a change of use and shall be subject to special use review and approval by the Planning Commission. (Amendment 2004-01)

# Article 17

## STANDARDS FOR PLANNED UNIT DEVELOPMENTS

The following standards apply to all planned unit developments which shall only be permitted by Special Approval, pursuant to Article 7, Provisions for Special Land Uses, and according to the uses of land permitted by Special Approval in Articles 10 through 15 of this Ordinance. The standards and regulations contained in this Article shall be applied in addition to any other applicable standard or regulation contained elsewhere in this Ordinance unless specifically noted otherwise, including standards for site plan approval set forth in Section 6.05 and the general standards for any special land use in Section 16.01.

### **Section 17.01 Approval Standards**

**A. Minimum Eligibility:** To be considered as a planned unit development project, the proposed development project must be consistent with the intent of a planned unit development pursuant to Section 7.01(A)(1)(a-f), and comply with the provisions of 17.01(B-D).

**B. Permitted Uses:** Uses permitted in the applicable district and/or any of the following uses may be allowed in combination (Amendment 2007-03):

1. Single family platted subdivision, consisting of single family dwellings or two family dwellings.
2. Condominium subdivisions, consisting of single family dwellings or two family dwellings.
3. Condominium Projects
4. Multifamily dwellings, provided no more than four (4) dwelling units are located within any single building.
5. Nonresidential subordinate uses (an integral part of the planned unit development) in the AC, AR, R-1B or R-2 districts shall be permitted provided:
  - a. the applicant can demonstrate subordinate usage by a site plan and explanation.
  - b. the Planning Commission finds that the nonresidential uses as part of the residential component of the planned unit development in the AC, AR or R-1B district shall principally serve the residential component of the planned unit development project as demonstrated by applicant with the site plan and expert analysis.
  - c. the Planning Commission finds that the nonresidential uses are subordinate to the residential component of the planned unit development project when located in the R-2 district, and are compatible with the character of the surrounding area, regardless of whom the nonresidential uses principally serve.

Unless the Township establishes otherwise by its findings, historically nonresidential uses (in place for more than 40 years) shall be presumed to be compatible with the surrounding area, subject to the other requirements for accessory uses defined in this section. (Amendment 2007-03)

### **C. Minimum Parcel Size and Lot Width**

1. In the AC, AR, and R-1B Districts the minimum size of a parcel used for a planned unit development shall be ten (10) acres of contiguous land and have frontage of at least three hundred thirty (330) feet.
2. In the C-1 and C-2 Districts the minimum size of a parcel used for a planned unit development shall be of sufficient size to contain on the site both physically and aesthetically, not only the development proposed, but also any effects of such development that would ordinarily be apparent and different from the effects of permitted uses on the adjacent properties. (Amendment 2004-07)
3. In the R-2 district and/or any PUD which incorporates in part a portion of land zoned R-2, shall be a minimum of two (2) acres and shall not exceed four (4) acres in size. (Amendment 2007-03)

**D. Unified Control:** The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.

**E. Dedicated Open Space**

1. Guarantee of Open Space: The planned unit development shall include dedicated open space. The dedicated open space shall forever remain open space, subject only to uses approved by the Township on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited. The applicant shall guarantee to the satisfaction of the Township Attorney that all open space portions of the development will be maintained in perpetuity and in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the open space development.
  - a. Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected within the dedicated open space, subject to the approved site plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent (1%) of the total dedicated open space area.
2. Open Space Requirements:
  - a. The total area of dedicated open space (as defined by this ordinance) shall equal at least fifty (50) percent of a parcel located in the AC District, at least forty (40) percent of a parcel located in the A-R District, at least twenty (20) percent of a parcel located in the R-1B District. In the C-1, C-2 and R-2 districts, the total amount of dedicated open space shall be site-determined, based on environmental features, lot size and neighborhood character. Dedicated open space may include flood plain areas and/or may include perimeter buffer areas, but required dedicated open space shall not include required yard setback areas, roads, parking spaces, public rights-of-way, and year-round submerged lands. (Amendment 2007-03)
  - b. All land within a development that is not devoted to a building, dwelling unit, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be set aside as common land for recreation, conservation, agricultural uses, or preserved in an undeveloped state.
  - c. The dedicated open space shall be set aside by the owner through an irrevocable conveyance that is found acceptable to the Township Attorney, such as recorded deed restrictions, covenants that run perpetually with the land, transfer to a non profit land trust, or a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L.A. 399.251). Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:
    - (1) Indicate the proposed allowable use(s) of the dedicated open space.
    - (2) Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
    - (3) Provide standards for scheduled maintenance of the open space.
    - (4) Provide for maintenance to be undertaken by the Township of Leland in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.
  - d. All dedicated open space must be a minimum of twenty (20) feet wide, except that the dedicated open space must include the land directly adjacent to any major or minor thoroughfare right of way and run the full length of the right of way along the project site at

a width of at least one hundred (100) feet. No more than two access roads may cross the dedicated open space along this right-of-way.

- e. Dedicated open space must be easily accessible from all planned unit development dwelling units.

#### **F. Access and Circulation**

1. Direct access: Direct access from a paved minor or major thoroughfare to a planned unit development is required. The nearest edge of any entrance or exit drive shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line).
2. Pedestrian Circulation: A pedestrian circulation system may be required along one side of, or all of, the internal roads of the planned unit development. The exact location and alignment of the sidewalks shall be jointly agreed upon by the applicant and the approving body, and shall be coordinated with existing or planned sidewalks and roads in the area. Pedestrian circulation network shall assure ease of access from residences to the designated open space areas.
3. Vehicular Circulation: Construction of private roads or private access drives as a means of providing access and circulation and increasing the rural character of the planned unit development project is encouraged. They shall meet clear view, drainage, and signage requirements of this Ordinance. Private roadways within a planned unit development must be constructed according to the provisions of Section 20.05, unless such provisions are exempted from the design requirements where the following findings are made by the Planning Commission:
  - a. a deed restriction is placed on the project site that perpetually vests fee simple use of the land area used for the road in the parties adjoining the road and prohibits future transfer to the public; and,
  - b. a maintenance plan, including a means of guaranteeing maintenance assessments from the affected property owners, is reviewed and approved by the Planning Commission.

**G. Natural Features:** The development shall be designed to promote the preservation of natural features. If animal or plant habitats of significant value exist on the site, the Planning Commission, as a condition of approval, may require that the open space development preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas. The planned unit development site plan shall clearly show the location of existing natural features in relation to proposed buildings, roads, parking areas, areas to be graded, and other project elements.

**H. Lots and Dwelling Units:** The following minimum and maximum standards shall apply to all lots and dwelling units in planned unit developments:

1. Minimum Lot Area: The minimum lot area shall be five thousand (5,000) square feet where public sewer is available. Where public sewer is not available, minimize lot size shall be determined by the application for and approval of an on-site sewage disposal system permit by the Leelanau County Health Department.
2. Minimum Lot Frontage and Width:
  - a. Each parcel of land for a single-family detached residence shall have frontage of not less than sixty (60) feet, except for a corner lot which shall have continuous frontage of not less than seventy (70) feet along each front lot line.
  - b. Each parcel of land for a two family dwelling shall have frontage of not less than seventy-five (75) feet, except for a corner lot which shall have continuous frontage of not less than eighty-five (85) feet along each front lot line.
3. Number of Dwelling Units (Amendment 2004-09):
  - (1) The total number of dwelling units permitted in a planned unit development in the AC District shall be based on the maximum allowable density of one (1) dwelling unit per four (4) acres, rounded down to the nearest full unit.
  - (2) The total number of dwelling units permitted in a planned unit development in the AR District shall be based on the allowable density of one (1) dwelling unit three (3) per acres, rounded down to the nearest full unit.

- (3) The total number of dwelling units permitted in the R-1B District shall be based on the maximum allowable density of one and one-half (1.5) dwelling units per acre, rounded down to the nearest full unit.
- (4) The total number of dwelling units permitted in a planned unit development in the C-1, C-2 or R-2 districts shall be based on the compliance with applicable building code requirements, the provisions of adequate septic or sewer disposal and the provision of adequate on-site parking standards, as determined by the Planning Commission based on the applicable (or similar use) standard(s) of Section 21.03. Additionally in the R-2 District, a maximum of seventy (70) percent of the total PUD project area may be covered with buildings and impervious surfaces, and at least 51% of the usable enclosed square footage shall be devoted to housing or lodging uses. (Amendment 2007-03)

Summary of Base Residential Densities for PUDs

District	AC	AR	R-1B	R-2	C-1	C-2
Base Density d.u.*/acre	0.25 d.u./ac	0.33 d.u./ac	1.5 d.u./ac	Site determined	Site determined	Site determined

\*d.u. = dwelling unit

b. Residential Density Bonus

Densities in excess of those specified by district in subsection H.3.a of Section 17.01 may be granted at the discretion of the Planning Commission, based on meeting Township's objectives of increasing the amount of dedicated open space for purposes such as preserving the opportunities for the continuation of agricultural activities, preserving rural character through the preservation of existing woodlands, views from roads and lakes and/or providing at least ten percent (10%) affordable housing units. The Planning Commission shall have full discretion in determining the amount of bonus to grant within the guidelines of the maximum allowable bonuses provided in the chart below. In determining the incentive bonus amount, the Planning Commission may take into account the magnitude and quantity of proposals for open space presented.

District	AC	AR	R-1B	C-1	C-2
Required Open Space	50%	40%	20%	Site determined	Site determined
Bonus Units/ Increased Dedicated Open Space	+10% d.u.*: 55% Open Space +20% d.u. max: 60% Open Space	+10% d.u.: 50% Open Space +20% d.u. max: 60% Open Space	+5% d.u.: 35% Open Space	NA	NA
Bonus for location in or near Leland or Lake Leelanau	+50% within 0.25 miles of C-2 Zoning	+50% within 0.25 miles of C- 2 Zoning	+50% within 0.25 miles of C-2 Zoning	NA	NA
Bonus for Affordable** Housing	+10% d.u.--if at least 10% of units are affordable	+10% d.u.-- if at least 10% of the units are affordable	+5% du if at least 10% of the units are affordable	NA	NA
Maximum Combined Bonus	+80% d.u.	+80% d.u.	+60% d.u.	NA	NA

\*d.u. = dwelling unit

\*\*Affordable: based on affordable to persons earning 80% of area median income (AMI) based on family size, as updated annually by HUD for each county. (Amendment 2004-09)

4. Yard and Setback Requirements – in AC or AR Districts  
(Amendment 2007-03)
  - a. Lot Front Yard: Twenty-five (25) feet.
  - b. Lot Side Yard: None if shared wall construction is used, ten (10) feet otherwise.
  - c. Lot Rear Yard: Twenty (20) feet.
  - d. A minimum fifty (50) feet buffer area along the perimeter of the PUD project shall be required.
  
5. Yard and Setback Requirements – in C-1, C-2, R1B or R-2 Districts  
(Amendment 2007-03)
  - a. PUD project perimeter setback shall be equal to applicable setback of the underlying zoning district, unless reduced by the Planning Commission based on the following criteria:
    - (1) Use of the adjacent property
    - (2) Architectural design and character of the adjacent property
    - (3) Location of structure and/or applicable setbacks on the adjacent property
    - (4) Location along a public street or road
  - b. Building spacing: Emergency vehicle access shall be approved by the Leland Township Fire and Rescue Department.
  
6. Maximum Building Height – Thirty-five (35) feet. (Amendment 2013-07)
  
7. Building Design – in R-2 District – The architectural design of the buildings, including style, size, mass, scale and character, shall be reviewed by the Planning Commission for compatibility with the surrounding area. (Amendment 2007-03)

**I. Utilities**

1. The planned unit development shall provide for underground installation of all utilities.
2. A planned unit development permit shall not be issued unless public water and sanitary sewer service is provided to the development if such service is available.
3. Provisions shall be made for the construction of storm water facilities. The storm water system may include the establishment of detention or retention basins.

**J. Scheduled Phasing**

1. Scheduled Phasing (Amendment 2016-01): When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety and welfare of the users of the open space development and the residents of the surrounding area. The timing for the beginning and completion of each phase of a use, development or activity shall be proposed by the applicant, modified as necessary, and approved by the Planning Commission. Projects which require phasing shall contain easily identifiable completion of activities or construction as stated in the approved finding of facts, to allow the Township to verify that the agreed-upon timetable is being met.
2. Timing of Phases: Each phase of the project shall be commenced within twelve (12) months of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, an extension may be granted following review of a formal request for extension by the owner and approval of same by the Planning Commission. Such approval may be withheld only where harm to adjacent lands or uses would occur, there have been significant changed conditions in the area, or in the case of fraud or violation of the terms of the original approval.
3. Revision of Approved Plans: Approved plans for an open space development may be revised in accordance with the procedures set forth in Section 6.08.

**K. Applicable Provisions** of Article 20, Access Control and Private Roads; Article 21, Off-Street Parking and Loading; Article 23, Landscaping and Screening; and Article 24, Environmental Standards.

**Section 17.02 WAIVER OF STANDARDS**

A. The Planning Commission may waive any of the standards for a planned unit development contained in this Article, except 17.01(A-D), where the following findings are documented along with the rationale for the decision:

1. No good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.
2. The spirit and intent of the open space development provisions will still be achieved.
3. No nuisance will be created.

**Section 17.03 PARKING REQUIREMENTS FOR PUDS IN C-1, C-2, R-1B AND R-2**

All on-site parking areas shall be located in the side or rear yards. The base number of parking spaces shall be calculated based on the standards in Article 21; however, the Planning Commission may grant a reduction in the required number and/or location of parking spaces based on the mix of uses and whether the peak times for different uses will significantly overlap, and whether additional parking is available off-site. The number of parking spaces shall not be reduced to less than one space per dwelling unit. Off-street parking that can be easily viewed from roads shall be screened with landscaping, unless specifically waived by the Planning Commission. Shared parking agreements are encouraged. (Amendment 2007-03)

# Article 18

## GENERAL PROVISIONS

### **Section 18.01 INTENT AND PURPOSE**

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the zoning district which they are permitted to be located. The following general provisions establish regulations which are applicable to all zoning districts unless otherwise indicated.

### **Section 18.02 KEEPING OF ANIMALS**

**A. Wild Animals:** No vicious animal shall be kept permanently or temporarily in any district in the Township except in an AAZPA accredited (American Association of Zoologies, Parks and Aquariums) facility or with a wildlife rehabilitation permit from the Department of Natural Resources.

**B. Livestock:** Except for farms, the raising and keeping of livestock or other animals generally not regarded as household pets, and which do not meet this Ordinance's definition for "vicious animal," may be conducted as accessory to the principal residential use except in platted subdivisions or condominium subdivisions. All such raising and keeping or killing and dressing of poultry and animals processed upon the premises shall be for the use or consumption by the occupants of the premises in the District and the following additional conditions shall be met:

1. Animals shall be owned and managed by the occupants of the premises.
2. The occupants of the premises shall keep the odor, sounds and movement of the animals from becoming a nuisance to adjacent properties.
3. Manure piles shall be stored, removed, and/or applied to the soil in accordance with the generally accepted agricultural and management practices of the Michigan Agriculture Commission for manure management and utilization, and with Michigan Department of Agriculture and County Health Department regulations. No storage of manure, odor or dust producing materials or use shall be permitted within one hundred (100) feet of any adjoining lot line.
4. Animal density shall not exceed 1.4 animal units per confined acre, except for private stables as provided in Section 18.02(D) below.

**C. Household pets:** The keeping of household pets, including dogs cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any residential zoning district provided such activities do not constitute a kennel.

**D. Private Stables:** All private stables shall conform to the following standards:

1. A minimum of two (2) acres must be provided for the first horse, and an additional one-half (1/2) acre must be provided for each additional horse, provided further that at least ten (10) acres be provided for the first six (6) horses, and an additional ten (10) acres be provided for each subsequent multiple of six (6) horses thereafter.
2. Foals born on parcels where horses are kept may be kept on said parcel for two (2) years even though such additional horses may increase the number of horses on such parcel beyond the acreage limitation in (D)(1) above, but in no case shall there be more than one (1) horse and one (1) foal per two (2) acres.
3. No pens, corrals, buildings housing horses, or storage of manure or odor or dust-producing materials or use shall be permitted within one hundred fifty (150) feet of a lot line.
4. Private stables shall only house horses owned by the occupant of the dwelling unit.
5. Private stables shall be operated in conformance with all applicable county, state, and federal regulations.

6. All animals shall be maintained in a healthy condition and carefully handled.
7. The facility shall be constructed and maintained so that dust and drainage from the stable will not create a nuisance or hazard to adjoining property or uses.
8. Manure piles shall be stored, removed, and/or applied to the soil in accordance with the generally accepted agricultural and management practices for manure management and utilization of the Michigan Agriculture Commission, and with Michigan Department of Agriculture and County Health Department regulations.
9. A shelter shall be provided for all horses, including a separate stall for each horse which is at least ten (10) feet by ten (10) feet.
10. No living quarters shall be located in any stable.

**Section 18.03 ESSENTIAL SERVICES**

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance, except that essential services do not include public facilities separately regulated by Article 16: Special Land Use Standards.

**Section 18.04 SWIMMING POOLS**

**A. Classification:** A swimming pool shall be considered as an accessory building for the purposes of determining required yard spaces and maximum lot coverage.

**B. Application:** The application for a land use permit to erect a swimming pool shall include the name of the owner, the manner of supervision of the pool, a plot plan and location of adjacent buildings, fencing, gates, and other detailed information affecting construction and safety measures deemed necessary by the Zoning Administrator.

**C. Fencing:** Yard areas with pools are to be fenced to discourage unsupervised access. Such fencing is to be a minimum of five (5) feet high, and equipped with a self-closing and self-latching gate. Latching devices are to be located at a minimum height of four (4) feet above the ground. Such fencing may be omitted where building walls without doorways abut the pool area, provided that the entire remaining perimeter of the pool area is fenced.

**D. Sanitation:** Sanitation standards as now or any time adopted by the State Department of Health or the County Health Department to protect the public health shall be conformed with.

**E. Placement:** No swimming pool shall be located in an easement or required front yard nor under any overhead wiring. Service drop conductors and any other overhead wiring shall not be installed above a swimming pool.

**F. Lighting:** No lights shall be erected, operated or maintained in connection with a swimming pool in such a manner as to create an annoyance to surrounding properties.

**Section 18.05 RESERVED FOR FUTURE USE (Amendment 2016-01)**

**Section 18.06 TEMPORARY USES, NONRESIDENTIAL BUILDINGS and STRUCTURES**

Temporary uses and nonresidential buildings and structures may be placed on a lot or parcel of record and occupied only under the following conditions as authorized by a temporary land use permit issued by the Zoning Administrator:

**A. Application, Permit, and Conditions**

1. Application: A temporary land use permit may be approved, modified, conditioned, or denied by the Zoning Administrator. The Zoning Administrator may refer the application to the Planning Commission for action.
2. Conditions of Approval:
  - a. The nature and intensity of the temporary use and the size and placement of any

- temporary structure shall be planned so that the temporary use or structure will be compatible with existing development.
- b. The use shall not be typically located within a permanent building or structure.
  - c. The parcel shall be of sufficient size to adequately accommodate the temporary use or structure.
  - d. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particular regarding the traffic generated by the temporary use or structure.
  - e. Off-street parking areas are of adequate size for the particular temporary use or structure and properly located and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
  - f. Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.
  - g. The Zoning Administrator may impose conditions with the issuance of the permit which are designed to insure compliance with the requirements of this Ordinance. The Zoning Administrator may revoke a permit at any time for nonconformance with the requirements of this section and a permit issued thereunder.
  - h. Permits which are renewable shall have an application filed for renewal at least fifteen (15) days prior to the expiration date of the current permit, except that applications for renewal or extension of a permit for less than fifteen (15) days may be applied for no later than three (3) days prior to the expiration date of the current permit.
3. Permits: A written temporary land use permit will be issued for all approved temporary uses and shall contain the following information:
    - a. The applicant's name.
    - b. The location and effective dates of the temporary use.
    - c. Conditions specified by which the permit was issued, such as:
      - 1) use and placement of signs.
      - 2) provision for security and safety measures.
      - 3) control of nuisance factors.
      - 4) submission of performance guarantee.
    - d. Signature of the Zoning Administrator on the permit.
  4. Performance Guarantee: The Zoning Administrator shall require a performance guarantee in the form of cash, check or savings certificate be deposited with the Township Clerk in an amount equal to the estimated cost of removing any temporary structure authorized under this Section should it not be removed by an applicant at the end of an authorized period. The applicant shall similarly sign an affidavit holding the Township harmless against any claim for damages if the Township were to subsequently use the performance guarantee to remove the temporary structure after its authorized period had expired. The performance guarantee shall be returned when all the terms and conditions of the temporary land use permit have been met and the temporary use or structure has been removed.

**B. Permitted Temporary Buildings, Structures, and Uses**

1. Construction Buildings and Structures:
  - a. Fire Damage: Temporary buildings and structures are permitted incidental to construction work during renovation of a permanent building damaged by fire. The temporary building or structure must be removed when repair of fire damage is complete, but in no case shall it be located on the lot or parcel for more than ninety (90) days.
  - b. New Construction: Temporary buildings and structures are permitted incidental to construction work, except for the construction of single-family dwellings, and shall be removed within fifteen (15) days after construction is complete. In no case shall the building or structure be allowed more than twelve (12) months unless expressly authorized after petition to the Zoning Board of Appeals.
2. Churches & Schools: Temporary buildings incidental to a church or school are permitted provided that all wiring, plumbing, fire protection and exits are approved by the Fire Chief

- and Building Inspector, and by relevant state agencies.
3. Christmas Tree Sales: The display and sale of Christmas trees in a Conservation District or Commercial District, or at a church or campground, is permitted by a temporary land use permit, provided it is incidental and accessory to the principal use, except that a temporary land use permit is not necessary for Christmas tree sales where a nursery is permitted by right or by special land use approval. The temporary land use permit for the display and sale on an open lot shall be valid for a period not to exceed forty-five (45) days. All unsold trees must be removed from the property by December 31 of each calendar year.
  4. Garage Sales: Garage sales, rummage sales, yard sales, moving sales, and similar activities shall be considered temporary accessory uses within any residential zoning district subject to the following conditions:
    - a. Any single garage sale, rummage sale or similar activity shall be allowed without a temporary land use permit for a period not to exceed three (3) days.
    - b. In no instance shall more than two (2) garage sales, rummage sales or similar activity be held in any one location within any twelve (12) month period.
    - c. All such sales shall be conducted a minimum of thirty (30) feet from the front lot line and fifteen (15) feet from a side lot line .
    - d. No garage sale or similar activity shall be conducted before 8:00 a.m. or continue later than 9:00 p.m.
    - e. Items purchased specifically for the sale are prohibited.
    - f. All signs advertising a garage sale shall be removed within twenty-four (24) hours of the conclusion of said garage sale or similar activity.
  5. Temporary Real Estate Offices: Temporary real estate offices are permitted within approved development projects. No cooking or sleeping accommodations shall be maintained. The permit shall be valid for not more than one (1) year, but is renewable. The office shall be removed upon completion of the development of the project. A model home may be used as a temporary sales office.
  6. Auctions: The public sale of property to the highest bidder shall be permitted on a parcel or lot for not more than five (5) days and no sales activity shall occur within thirty (30) feet of any street or road right-of-way.
  7. Firewood Sales: Firewood sales shall be limited to firewood cut from that parcel or lot only, except in a Commercial District. Storage of firewood for sale and use by persons off the premises shall be restricted to the side and rear yards.
  8. Other Temporary Uses: Other temporary uses may be permitted pursuant to subsection (A) above and upon reviewing such applications, except that the Zoning Administrator may defer action to the Planning Commission.

### **Section 18.07 TEMPORARY DWELLINGS**

**A.** The Zoning Board of Appeals, upon receiving the Planning Commission's recommendation, may issue a temporary land use permit for a mobile home, subject to (1) and (2) below. A performance guarantee in the amount of two thousand dollars (\$2,000) shall be required from the property owner prior to placing a mobile home for temporary use, to ensure removal of the mobile home at termination of the permit.

1. Emergency Housing: When a dwelling is destroyed by fire, collapse, explosion, Acts of God, or acts of a public enemy to the extent that it is no longer safe for human occupancy, as determined by the County Building Inspector, a temporary land use permit may be issued to allow a mobile home less than twenty (20) feet in width to be placed on the property upon the request of the owner. Said permit shall be in effect for no more than six (6) months, any extension must be approved by the Zoning Board of Appeals who may grant the same for a period of not more than one (1) year during which time a permanent dwelling shall be erected on the property.
2. Medical Reasons: A person(s) may make application to the Zoning Board of Appeals to occupy a mobile home as an accessory use to the principal dwelling if a medical condition exists such that the intended occupant requires continued supervision. Such medical condition shall be attested to by a licensed physician, stating the nature of the

disorder and specifying the level and type of continued care needed by the patient. A temporary housing permit shall be granted if the Zoning Board of Appeals finds adequate evidence of the need for supervision. Such permit issued to the party with the medical condition is for the applicant's use only and not transferable to any other owner or occupant. The permit shall expire in one (1) year, an extension of one (1) year may be issued upon review. All temporary dwellings shall be located within two-hundred (200) feet of the dwelling occupied by the person providing the continued supervision nor closer than thirty (30) feet to an abutting lot line.

**B.** Except as provided for in subsection (C) below, a maximum of one (1) recreational vehicle may be located on any parcel of land, without issuance of a temporary land use permit, provided the following conditions and limitations are met:

1. Each recreational vehicle shall meet all applicable setback requirements for principal structures, shall not be used for commercial or business purposes, and, unless the recreational vehicle is inside a barn, garage, or other enclosed structure meeting the requirements of this Ordinance, shall not be parked, stored, or used for residential purposes for more than ninety (90) days in any calendar year. These limitations shall not apply to the AC District except within platted subdivisions or condominium subdivisions.

**C.** A temporary land use permit for a mobile home or recreational vehicle shall not be granted, for any reason, unless the Zoning Board of Appeals, or in the case of a recreational vehicle, the Zoning Administrator, finds:

1. Evidence that the proposed location of the temporary dwelling will not be detrimental to property within three-hundred (300) feet of the parcel intended to be the location of the temporary dwelling.
2. Proposed water supply and sanitary facilities have been approved by the County Health Department where necessary.
3. All temporary dwellings shall comply with applicable setback requirements within said district.

**Section 18.08 ACCESSORY USES, BUILDINGS, AND STRUCTURES (Amendment 2015-01)**

Accessory buildings, structures and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations, except as provided in Section 18.27 Boathouses.

**A. Attached:** An accessory building, including carports which are attached to the principal building, shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered habitable floor area.

**B. Separation Distance:** An accessory building or structure unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to any other structure on the lot.

**C. Placement:** Except for fences and boathouses, accessory buildings and structures are subject to all side yard setback requirements of the District in which it is located, shall be no closer than ten (10) feet to any rear lot line, and shall not be located in any front yard.

1. Accessory buildings and structures on waterfront lots shall be set back twenty-five (25) feet from the water's edge in C-1 and C-2 Districts and set back forty (40) feet from the water's edge in all other Districts. Accessory buildings and structures on lakefront lots shall be set back a minimum of fifteen (15) feet from the rear lot line abutting a street or private road.

**D. Lot Coverage:** An accessory building or structure shall not occupy more than thirty (30) percent of the area of any rear yard and in no instance shall the combination of a boathouse and accessory building or structure exceed fifty (50) percent of the ground floor area of the principal

building, except that an accessory building or structure may occupy up to fifty (50) percent of the area of any rear yard if it is a nonconforming lot of record, and side and rear yard setbacks are still met. These regulations apply to all districts except A/C District and parcels over 3 acres in size in the Agriculture/Residential (A/R) District. (Amendment 01-02)

**E. Height:** Detached accessory buildings, except Boathouses per Section 18.27, may be constructed to a height of twenty-five (25) feet in R1A, R1B, R2 and R3 zoning districts, and in all other districts the height of accessory buildings shall be permitted maximum height of structures in said district. This restriction shall not apply to agriculturally related accessory structures on parcels greater than twenty (20) acres in size, or accessory structures allowed by special land use approval. Walls and fences on residential lots shall not exceed a height of five (5) feet, except that a wall or fence placed within a front yard area shall not exceed a height of three (3) feet. (Amendment 04-02)

**F. Not Permitted Prior to a Principal Structure:** Accessory buildings and structures, including boathouses, shall not be erected on a lot or parcel in a Conservation, Residential or Commercial district prior to the establishment of a principal structure, except for agricultural buildings. Where two or more abutting lots are held under one ownership in a residentially zoned district, the owner may erect an accessory building on a lot separate from that one which the principal building is located, provided both lots are used as one with a single tax description.

**G. Habitation of Accessory Structures:** No garage, barn, boathouse, basement, or accessory buildings, except as provided in Section 18.26 Accessory Dwellings, whether fixed or portable, shall be used or occupied as a dwelling. Boathouses are strictly prohibited from including an accessory dwelling.

#### **Section 18.09 ONE SINGLE-FAMILY DWELLING TO A LOT**

No more than one (1) single family dwelling may be permanently established on a lot or parcel, unless specifically provided for elsewhere in this Ordinance.

#### **Section 18.10 FRONT SETBACK REDUCTIONS AND INCREASES**

Any front setback area in any residential district may be reduced below the minimum requirements when the average front setback of existing principal buildings within two hundred (200) feet of a proposed principal building location are less than the minimum required, in which case the required minimum front setback shall be based on the established average. Where the established setback is greater than the required minimum, the required setback for the proposed building shall be the average of the existing buildings.

#### **Section 18.11 ALLOCATION OF LOT AREA & CONFIGURATION OF LOTS**

**A.** No portion of a lot can be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.

**B.** The depth of lots created in all zoning districts after the effective date of this Ordinance shall not be more than four (4) times longer than their width.

**C.** Where there is no other way to gain access to undeveloped land due to limited street or road frontage, new flag lots may be permitted to be used, provided that the flag lot has at least twenty (20) feet of frontage on a public street, that this right-of-way serves only one lot, and that there is at least a distance equivalent to the lot width of a conforming lot between flag lots. The minimum front, side and rear yard requirements of the district in which a flag lot is located must be met on the portion of lot excluding the right-of-way. (See Figure 2-3).

#### **Section 18.12 HEIGHT REQUIREMENT EXCEPTIONS**

The following are exempted from height limit requirements, provided that no portion of the exempted structure may be used for human occupancy:

- A.** Those purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments, and do not exceed seventy-five (75) feet in height.
- B.** Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, masts and aerials, television antennas, fire and hose towers, wire transmission structures, cooling towers, or other structures where the manufacturing process requires a greater height but do not exceed one hundred (100) feet in height.
- C.** Agricultural buildings and structures, such as barns, silos, elevators and the like, provided they shall not exceed one-hundred (100) feet in height.
- D.** Wind power electrical generating towers, provide they shall not exceed seventy (70) feet in height, except in agricultural districts where they shall not exceed one hundred twenty (120) feet in height, and the distance from the base of the tower to any lot line shall be ten (10) feet more than the height of the tower.

**Section 18.13 HOME OCCUPATION**

The regulation of home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such flexibility is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of non-residential activities. Home occupations, as defined in Article 2 of this Ordinance, shall satisfy the following conditions:

- A.** The nonresidential use shall only be incidental to the primary residential use and shall not occupy more than twenty-five percent (25%) of the gross floor area of one floor of said dwelling unit.
- B.** No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- C.** The home occupation shall not employ more than one (1) person not residing in the home.
- D.** The majority of all activities shall be carried on indoors. No visible outdoor storage or display shall be permitted.
- E.** There shall be no change in the exterior appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than a permitted sign. The entrance to the space devoted to the home occupation shall be from within the dwelling.
- F.** No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard, although motor vehicles may be parked in an existing driveway if it is of sufficient size. No additional off-street parking demand shall be created.
- G.** Limited retail sales may be permitted on the premises, as an incidental, rather than principal part of a home occupation. No advertising of the retail sale of goods or services produced or sold on the premises is permitted in newspaper, radio or television media.
- H.** The home occupation shall not entail the use or storage of explosive, flammable, or otherwise hazardous waste.
- I.** Visits by customers shall be limited to the hours of 8:00 a.m. to 8:00 p.m.

J. Only one (1) home occupation is permitted per dwelling unit in Districts R1A, R1B, R2 and R3.

K. A land use permit is required. It shall be issued by the Zoning Administrator when all the above requirements have been met and the required fee has been paid.

#### **Section 18.14 CONDITIONAL APPROVALS**

**A. Conditions on Discretionary Decisions:** The Planning Commission, Zoning Board of Appeals, and Township Board may attach conditions to the approval of a site plan, special land use, variance or other discretionary approval. Such conditions shall be based upon standards in this Ordinance and may be imposed to:

1. Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
2. Protect the natural environment and conserve natural resources and energy.
3. Insure compatibility with adjacent uses of land.
4. Promote the use of land in a socially and economically desirable manner.

**B. Requirements for Valid Conditions:** Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

**C. Record of Conditions and Changes:** Any conditions imposed shall be recorded in the record of the approval action. These conditions shall not be changed except upon the mutual consent of the approving authority and the property owner.

**E. Performance Guarantees:** Performance guarantees may be required to insure compliance with conditions on discretionary decisions pursuant to the requirements of Section 3.06.

#### **Section 18.15 SHORELINE RETAINING WALLS**

No wall intended to retain shoreline areas or minimize erosion, or which otherwise alters the character of the location where lake or river waters abut shoreline areas, shall be constructed without the issuance of a land use permit and no such permit will be issued except upon a showing that all federal and state approvals have been secured. All such structures shall be designed and placed so as to minimize any adverse visual and hydrological effects caused thereby to adjacent property owners.

#### **Section 18.16 OUTDOOR STORAGE, SALES AND MERCHANDISE DISPLAY**

**A.** Outdoor display and sales of merchandise is permitted within Commercial districts. The permitted outdoor display area shall be twenty-five percent (25%) of the use's indoor retail sales floor area, except a minimum of two hundred (200) square feet of outdoor display area shall be permitted in all cases but shall never exceed an area of eight hundred (800) square feet. These regulations shall not apply to the display and sales of motor vehicles, boats, items intended for tow, or live retail and wholesale landscape materials.

**B.** Excepting the display and sales of motor vehicles, boats, items intended for tow, or live retail and wholesale landscape materials, and unless specifically noted otherwise elsewhere in this

Ordinance, all storage of materials or products in Commercial districts and Industrial districts shall be conducted within a completely enclosed building.

**C.** All machinery, equipment, vehicles, lumber piles, crates, boxes, building blocks, or other materials which are either discarded, showing evidence of a need for repairs, or which encourages vermin, shall be completely screened by an opaque fence or wall of not less than six (6) feet in height.

**Section 18.17 CONDOMINIUM SUBDIVISIONS**

All condominium subdivisions must comply with Article 6, Procedures for Site Plan and Plot Plan Review, and shall conform to the following general provisions in addition to all other applicable district provisions.

**A.** A condominium unit, including single family detached units, shall comply with all applicable site development standards of the district within which it is located, and all other provisions of this ordinance except as may be varied through a planned unit development.

**B.** A condominium subdivision shall comply with the provisions in Article 20 pertaining to private roads and in Article 24 pertaining to potable water supply and waste disposal facilities. All public roads within a condominium subdivision shall be designed and constructed in conformance with the standards of the Leelanau County Road Commission.

**C.** The condominium subdivision shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.

**D.** In addition to the materials required by Section 6.03, an application for a condominium subdivision shall include a condominium subdivision plan containing the following information:

1. A site plan showing the location, size, shape, area and width of all condominium units.
2. A description of the common elements of the condominium subdivision as will be contained in the master deed.
3. Proposed use and occupancy restrictions as will be contained in the master deed.

**E.** All provisions of the condominium subdivision plan which are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision. Any proposed changes to the approved condominium subdivision plan shall be subject to review and approval by the Township Board as a major amendment to the permit, subject to the procedures of Section 6.08.

**F.** All condominium projects which consist in whole or in part of condominium units which are building sites shall be marked with monuments as provided below:

1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium subdivision if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
2. All monuments used shall be made of solid iron or steel bars at least 1/2 inch in diameter and 36 inches long and completely encased in concrete at least 4 inches in diameter.
3. Monuments shall be located in the ground at all angles in the boundaries of the condominium subdivision; at the intersection lines of streets with the boundaries of the condominium subdivision and at the intersection of alleys with the boundaries of the condominium subdivision; at all points of curvature, points of tangency, points of

- compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
4. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the condominium subdivision and referenced to the true point.
  5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least 1/2 inch in diameter shall be drilled and grouted into solid rock to a depth of at least 8 inches.
  6. All required monuments shall be placed flush with the ground where practicable.
  7. All lot corners shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and 1/2 inch in diameter or other approved markers.
  8. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit naming to the municipality, whichever the proprietor selects, in an amount not less than \$25.00 per monument and not less than \$100.00 in total, except that lot corner markers shall be at the rate of not less than \$10.00 per marker. The performance guarantee shall be returned to the proprietor pursuant to the provisions of Section 3.06 upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

**Section 18.18 EARTH SHELTERED HOMES**

The bottom edge of an earth berm surrounding or abutting a wall or roof of a dwelling shall meet the height and setback requirements for the District in which it is located.

**Section 18.19 MAINTENANCE OF JUNK PROHIBITED**

It shall be unlawful to have, possess, or maintain junk unless fully screened from public view and provided such junk, or maintenance or use of such junk, does not constitute a junkyard as defined in this ordinance unless a permit for such junkyard has been obtained.

**Section 18.20 SATELLITE ANTENNA DISHES**

One satellite antenna dish is permitted per lot. Satellite dishes must meet all setback and height requirements for the district in which a satellite dish antenna is to be located but shall not be placed in a front yard nor in a manner that obstructs the view of any public right of way or intersection.

**Section 18.21 ROADSIDE STANDS**

**A.** All roadside stands shall be considered accessory uses and shall be limited to the sale of farm produce, specialty crops such as tree fruits, nuts, berries, and the like, or foodstuff made from such produce, providing it is grown or produced on the property, and conform with the following standards:

1. One roadside stand per lot, and no roadside stand shall be operated for more than twenty-six (26) weeks in any calendar year.
2. The property has direct access from a major or minor thoroughfare.
3. One driveway is established with a width at least twenty-five (25) but not more than thirty-five (35) feet or another means of ingress and egress is established satisfactory to the Zoning Administrator which allows cars to turn around on the lot before exiting.
4. No structure larger than two hundred twenty-five square feet (225) feet shall be erected for use as the roadside stand.
5. No roadside stand shall be located closer than twenty-five (25) feet from the right-of-way and shall conform to side yard setbacks.
6. No roadside stand shall be located on a lot without a dwelling unit, nor run by anyone other than an occupant of the dwelling.
7. At least four off-street parking spaces are provided.

8. Hours of operation shall be between the hours of 7:00 a.m. and 7:00 p.m.
9. No more than one sign, not over twelve (12) square feet in area with a maximum height of six (6) feet, to be displayed only during the seasonal occupancy of the roadside stand.

### **Section 18.22 DWELLINGS**

All single family dwellings shall comply with the following standards, except those located within the Agriculture/Conservation District.

**A.** Single family dwellings shall have a minimum ground floor area of seven hundred twenty (720) square feet, exclusive of porches and attached garages, and a minimal elevation width of twenty-two (22) feet. Single family dwellings shall comply in all respects with the County Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with a federal or state standards or regulations for construction (as in the case of mobile homes) and where such standards or regulations for construction are different than those imposed by the County Building Code, then and in that event such federal or state standard or regulation shall apply.

**B.** All dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the State Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for such dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device, and shall be set on a concrete footing with a masonry wall extending from perimeter to ground, or on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground, made of commercial quality or equivalent, and comply with the rules and regulations of the Michigan Mobile Home Commission, the Public Health Department, and HUD Regulations 24 CFR 3280, being the "Mobile Home Construction and Safety Standards".

**C.** In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.

**D.** All dwellings shall be connected to a public sewer and water supply or to such private facilities approved by the Leelanau County Health Department.

**E.** All dwellings shall contain storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure similar to or of better quality than the principal dwelling, which storage area shall be a minimum of eighty (80) square feet.

**F.** All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. The compatibility of design and appearance shall be determined by the Zoning Administrator upon review of the plans submitted for a particular dwelling. Any determination of compatibility shall be based upon the standards set forth in this Section as well as the character, design and appearance of one or more residential dwellings located in the Township within two thousand (2,000) feet of the subject dwelling where such area is developed with dwellings; or, where said area is not so developed, by the general character, design and appearance of residential dwellings located in the Township similarly meeting the standards of this Section. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

**G.** All subsequent additions to a dwelling shall be of similar or better quality workmanship as the original structure, including construction of a foundation as required herein.

**H.** All construction required herein shall be commenced only after a building permit has been

obtained in accordance with the applicable County Building Code provisions and requirements.

I. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State and Federal law or otherwise specifically required in this ordinance pertaining to mobile home parks.

**Section 18.23 COMMON USE WATERFRONT**

When more than two (2) families share a waterfront lot, such common use and/or ownership of the waterfront lot shall be governed by this Section. The provision herein shall apply regardless of whether access from the abutting lot to the waterfront is gained by easement, common or joint fee ownership, single fee ownership, lease, license, site condominium unit, stock, or membership in a corporation, or any other means. All such common use waterfront lots must comply with the following regulations and standards: (Amendment 2007-02)

A. Site Plan approval is required by the Planning Commission, pursuant to Article 6, except that the following additional information shall be included in the site plan:

1. The specific uses permitted on the common waterfront area, the locations of same, and all conditions that must be met to entitle one to such uses.
2. The bearings, distances, and calculations showing compliance with subsections (B), (C), and (D) below.
3. Proposed location of docks or other waterfront structures.

B. The land comprising the common waterfront shall have a minimum frontage on the water of not less than one hundred (100) feet, measured at the water's edge, and shall have an area of at least fifteen thousand (15,000) square feet. The required frontage shall be increased by at least fifty (50) feet, and the land area shall be increased by at least seven thousand five hundred (7,500) square feet, for each family in excess of two (2) having waterfront privileges associated with the common waterfront.

C. One (1) parking space shall be provided for each family having waterfront privileges, unless this standard is reduced or otherwise waived by the Planning Commission due to the proximity of the families having such privileges to the common waterfront.

D. No more than one slip, mooring, boat hoist or any other means of anchorage per twenty five feet (25') of frontage on the water shall be allowed.(Amendment 1997-02)

E. On inland lakes, docks shall not exceed 1 per one hundred feet (100') of lot width and shall not extend beyond a water depth of five feet (5'). Notwithstanding the water depth, persons are entitled to a maximum dock length of thirty five feet (35').(Amendment 1997-03)

F. Boat launch facilities are not permitted.(Amendment 1997-04)

G. The Planning Commission shall approve, disapprove or approve with conditions the site plan based upon the standards pursuant to Section 6.05, except that the following standards shall be considered as well:

1. The extent of contemplated injury or nuisance, including noise, to owners or riparian, adjacent and nearby lands.
2. The impact upon the public's enjoyment of the navigable waters.
3. The effects on the navigable waters of compounding, by precedent, the impact of the proposed common waterfront uses by approval of subsequent development of similar nature.

**Section 18.24 MOVING BUILDINGS**

No existing building or other structure within or outside of the Township shall be relocated upon any parcel or lot within the Township unless:

- A. The building design and construction are compatible with the general architectural character, design and construction of other structures located in the immediate area of the proposed site;
- B. The building and all materials therein are approved by the County Building Inspector; and
- C. The building or structure can be located upon the parcel and conform to all other requirements of the respective zoning district.

**Section 18.25 WINERIES** (Amendment 2013-04)

Wineries and Cideries are welcomed by Leland Township as appropriate farm activities. All further references to Wineries in this Section shall include Cideries. It is the intent of this section to promote local agriculture production by allowing construction of a winery with tasting room and retail sale of winery products in the agricultural district subject to this ordinance. It is also the intent of this section to encourage the growing of wine fruit and production of wine as an integral component of the rural and agricultural ambiance of Leland Township, and to maintain the viability of fruit farming through value-added processing and direct sales of wine and wine-related beverages made from locally grown fruit.

- A. Wineries and/or vineyards, with associated on-site tasting rooms in the AC district, are permitted, provided:
  1. The winery is licensed by the U.S. Treasury, Bureau of Alcohol Tobacco & Firearms; and the Michigan Liquor Control Commission (MLCC), and is in compliance with the regulations of the Michigan Liquor Control Commission, the Michigan Department of Agriculture, and the Michigan Department of Environmental Quality.
  2. The winery shall have minimum area planted in fruit maintained pursuant to applicable generally accepted agricultural and management practices (GAAMPs) within Leland Township and within Leelanau County (including the Leland Township acreage) according to the following schedule:

Annual production in cases	Leland Twp. acreage	Leelanau County acreage (including Leland Township)
Up to 4,999	1 acre	1 acre
5,000 to 9,999	3 acres	3 acres
10,000-24,999	4 acres	10 acres
25,000 to 49,999	5 acres	15 acres
50,000 to 99,999	15 acres	25 acres
100,000 to 199,999	25 acres	50 acres
200,000 or greater	100 acres	200 acres

3. The above-ground portion of any individual building shall not be greater than 20,000 square feet.
  4. All winery buildings shall be set back at least 50 feet from any lot line. If the winery building is open to the public, that building shall be set back at least 100 feet from any lot line. To encourage the use of existing buildings, the setback requirements may be reduced to the standards of the applicable district, subject to site plan review.
  5. Retail sales and food service are clearly accessory to production of wine.
  6. Standards for Wineries:
    - a. Parking shall be provided, per Article 21.
    - b. All lighting shall meet the lighting standards as outlined in Section 24.07 of the Leland Township Zoning Ordinance.
    - c. All signs shall meet the Sign Standards as outlined in Article 22 of the Leland Township Zoning Ordinance.
- B. Approval Process for Wineries: Site Plan Review is required, except a Special Land Use (SLU) approval is required if the total land area covered by buildings and structures used for wine processing, storage, sales, food service and special events exceeds thirty thousand (30,000) square feet. A SLU approval can cover all special events for up to two (2) years,

provided the conditions of the special event(s) and associated activities do not exceed that which was approved, and the Zoning Administrator shall have the authority to grant one two-year extension, after which the applicant must reapply for a Planning Commission Site Plan approval to conduct such special events.

1. Special Events and Activities—Activities associated with the promotion of agriculture and education may be permitted. Such activities are not by right and are secondary to the agricultural function. Typical activities are wine appreciation/education seminars, nonprofit benefits, weddings, wine and catered food events, seasonal natural events (mushroom hunts), vineyard harvest festivals, receptions, parties, picnics, barn dances, educational conferences, and agricultural research. Outside activities must be completed by 11 p.m. unless otherwise authorized by the Planning Commission. These activities may be permitted provided:
  - a. Special events and activities are limited to wineries with a minimum parcel size of 20 acres. (Amendment 2014-02)
  - b. Parking areas shall be off-road, 40 feet from all lot lines, and appropriately screened from neighboring property. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.
  - c. The operator must have a written statement from the Health Department indicating the maximum number of persons who can be accommodated with existing toilet facilities, and additional portable toilets must be provided for any guests exceeding the aforementioned number.
  - d. Hours of operation shall be reviewed and set as a part of the site plan approval.
  - e. Any music or entertainment provided for the activity must be for background purposes and not a featured item of the activity. Sound amplifiers are permitted as determined in site plan review.
  - f. Special land use must be approved by the Planning Commission following a public hearing. The following information must be provided in addition to information required for special land use approval:
    - 1) Location of temporary toilet facilities, which may be required.
    - 2) A written description of the planned activities including:
      - a) Type of gathering.
      - b) Frequency and number of activities proposed in a calendar year.
      - c) Maximum number of guests for any activity.
2. Additional Site Plan Review Standards:
  - a. The Planning Commission shall review the site plan for conformance with the standards of the zoning district in which it is located; and shall establish that the following standards have been satisfied:
    - 1) The size of the function and the number of expected guests on the property at one time shall be determined at the sole discretion of the Planning Commission based on parcel size, proximity to adjacent neighbors and the ability of the applicant to demonstrate that there will be no adverse impact on the neighbors from the noise, traffic, trespass, light or other impacts deemed relevant by the Planning Commission.
    - 2) There is adequate provision for parking of vehicles so that there is no parking on public roads, and adequate setbacks from adjacent properties are maintained. Temporary parking areas may be approved at the sole discretion of the Planning Commission.
    - 3) The location and amount of time prior to an event for erection of temporary structures which are allowed and time for removal after the event, may be approved at the sole discretion of the Planning Commission.
    - 4) The Planning Commission shall require a planted buffer between adjacent properties and parking or building if it is determined that such a buffer is necessary to avoid adverse impacts on adjacent properties.
  - b. Any activities other than those included in the original approval must obtain a separate additional approval by the Planning Commission. The scope of the

additional review will be determined by the Planning Commission at a preliminary hearing.

- C. Off-Site Wine Tasting Room in a Commercial District associated with a winery located in Leelanau County are permitted, provided:
1. The off-site winery tasting room is licensed by the U.S. Treasury, Bureau of Alcohol, Tobacco & Firearms; and the Michigan Liquor Control Commission, and is in compliance with the regulations of the MLCC, the Michigan Department of Agriculture, and the Michigan Department of Environmental Quality.
  2. The winery shall own or lease a minimum of four planted acres in Leelanau County of fruit maintained pursuant to applicable generally accepted agricultural and management practices (GAAMPs).
  3. The winery shall use a minimum of 25 percent locally grown (from Leelanau County) fruit.
  4. Food service is clearly accessory to retail sale of wine, per MLCC regulations.
  5. Standards for off-site winery tasting room:
    - a. Parking shall be provided.
    - b. All lighting shall meet the lighting standards as outlined in Section 24.07 of the Leland Township Zoning Ordinance.
    - c. All signs shall meet the sign standards as outlined in Article 22 of the Leland Township Zoning Ordinance.
  6. Special events are permitted subject to applicable district regulations in the Village Commercial District (C-1).
- D. Small Gatherings/Events at Wineries (Amendment 2014-02): Small gatherings or events for a limited number of people at previously approved or grandfathered wineries and/or tasting rooms in the AC, AR or C-1 zoning districts regardless of size, shall be allowed by right, without a separate site plan approval, provided the following conditions are met:
1. Small gatherings or events shall not exceed 100 guests.
  2. Any outside activity associated with a small gathering/event shall end by 10:30 p.m.
  3. Any music or entertainment shall be limited to acoustic or for background purposes, not the featured activity.
  4. Adequate parking shall be provided to accommodate the guests of any small gathering/event, and shall be located a minimum of 40 feet from the lot lines and screened from the neighboring property.
  5. Any additional lighting shall be directed downward and shielded to prevent light from being directed off the premises.
  6. Winery operator shall obtain a written statement from the health department indicating the maximum number of persons accommodated with the existing toilet facilities, and shall be responsible for providing portable toilets for guests in excess of the stated number for small gatherings or events.
  7. Winery operator shall obtain a written statement from County Road Commission or Michigan Department of Transportation, whichever agency is applicable, regarding the adequacy of the access as related to hosting small gatherings/events.

#### **SECTION 18.26 ACCESSORY DWELLING**

One (1) accessory dwelling unit shall be allowed as a use by right in any zoning district in which a single-family dwelling is permitted as a use by right. In all such districts and as a condition of approval for accessory dwelling, one of the dwellings must be owner-occupied, except if located in the Agricultural Conservation District (AC). (Amendment 2013-02)

**Section 18.27 BOATHOUSES (Amendment 2015-01)**

Boathouses and other structures constructed solely for the purpose of storing or mooring vehicles intended for use upon the water body which the front yard abuts may be located within the front yard and need not comply with the front yard setback requirement of the district. The height of a boathouse shall be measured from the water's edge, at the court-ordered summer elevation, to the peak of the roof.

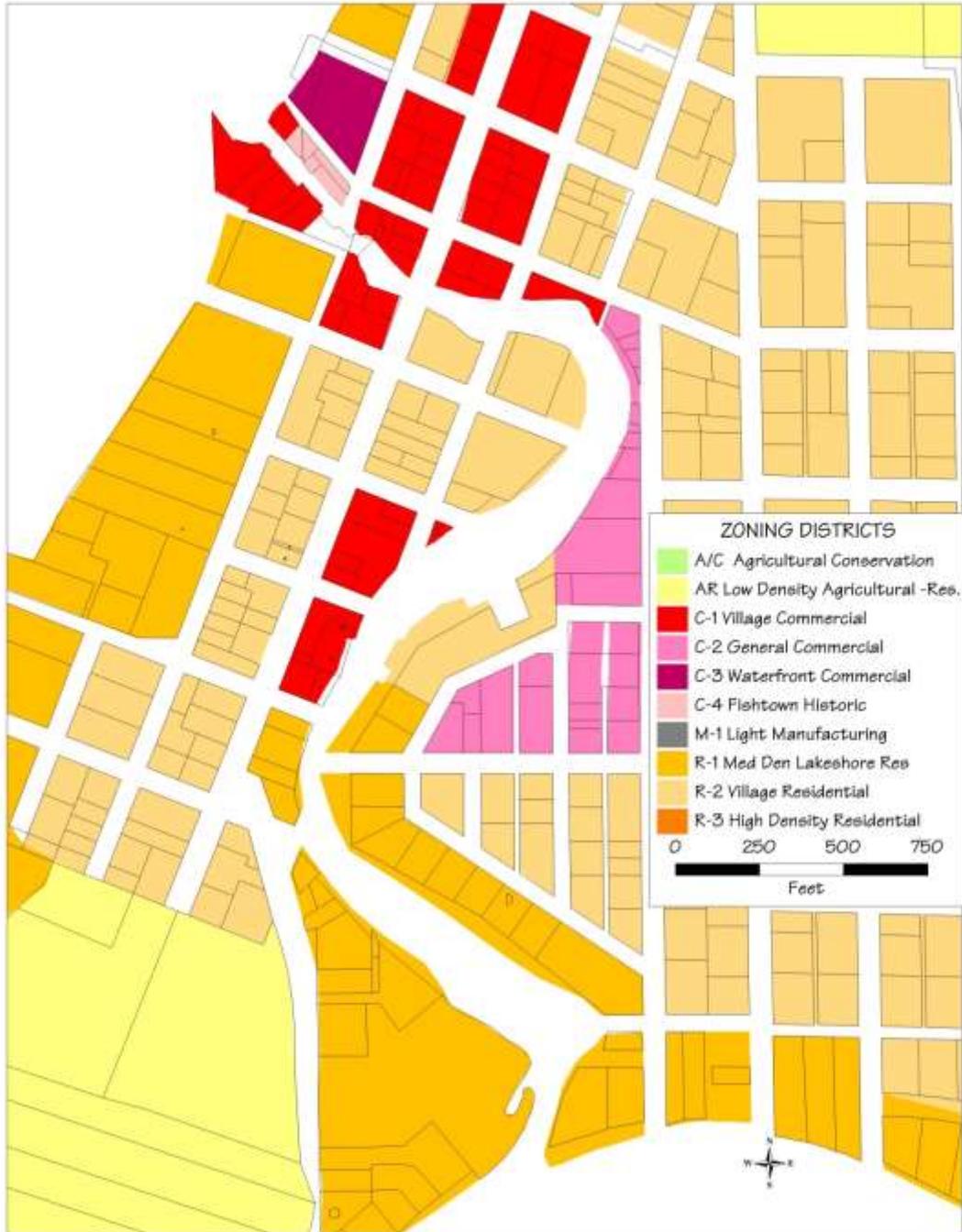
**A. Leland River Area Regulations**

In order to protect and preserve the unique existing character of the Leland River Area due in part to the environmental sensitivity and potential impacts of dredging, the historic character with smaller lots in this area and the mix of zoning districts, the more restrictive boathouse regulations apply as follows:

1. Area. For the purpose of the boathouse regulations, the Leland River Area shall be the area depicted on Map # 18.27A, as follows:

### Leland River Area- Map # 18.27A

For the purposes of the Section 18.27 of the Leland Township Zoning Ordinance, the Leland River Area shall consist of properties located with frontage on the Leland River.



2. Size and Height. Boathouses located in the Leland River Area shall be limited to one stall width and shall not exceed three hundred fifty (350) square feet. The roof shall have a pitch not less than 6/12 with a maximum structure height of seventeen (17) feet.
3. Placement. Boathouses located in the Leland River Area shall be set back at least fifteen (15) feet from the side lot line, as measured from the edge of the eave or dripline of the structure.

**B. Other Waterfront Areas**

For all waterfront areas not included in the Leland River Area, per Map #18.27.A, boathouse placement and setbacks shall be governed by the applicable district regulations. Size and height limits for boathouse shall be the same as other accessory buildings per Section 18.08.

# Article 19

## NONCONFORMING USES OF LAND AND STRUCTURES

### **Section 19.01 INTENT AND PURPOSE**

It is recognized that there exist lots, structures and uses of land and structures within the districts established by this Ordinance and subsequent amendments, which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance. It is the intent of this Article to permit legal nonconforming lots, structures or uses to continue until they are removed.

### **Section 19.02 NONCONFORMING LOTS**

In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record recorded with the Register of Deeds at or before the effective date of MCL 560.101 et seq., the Land Division Act, PA 288 of 1967, as amended and effective March 31, 1997. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions, setbacks and other requirements not involving area or width, or both, of the lot, shall conform to the regulations for the district in which such lot is located, unless a yard requirement variance is obtained through approval of the Zoning Board of Appeals. (Amendment 2009-01, which supersedes Amendment 1997-15)

### **Section 19.03 NONCONFORMING USES OF LAND**

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is made no longer permissible under the terms of this Article as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be moved, enlarged or increased, nor extended into any required yard area established for the zoning district within which it is located.
- B. Any nonconforming use may be extended throughout any part of the building in which it exists.
- C. See also Section 3.03(D).

### **Section 19.04 NONCONFORMING STRUCTURES**

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity, but the use of a structure and/or the structure itself may be changed or altered to a use permitted in the district in which it is located, provided that all such changes are also in conformance with the requirements of the district in which it is located.
- B. Nothing in this Ordinance shall bar or prevent the owner from reconstructing, repairing, restoring, and resuming the use of any non-conforming building damaged by fire, collapse, explosion, acts of God, or acts of the public enemy occurring after the effective date of this Ordinance; provided however, any such restoration shall be commenced within two (2) years following the date of the damage, otherwise such use shall terminate. Reconstructed facilities will

conform to current requirements for health, sanitation, and safety. The reconstruction shall be restricted to the original size, but may be located on the original foundation.

C. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

D. Where nonconforming status applies to a structure and use in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land, and all subsequent uses and structures on the land shall conform to the applicable district regulations.

**Section 19.05 CHANGE IN NONCONFORMING USES**

No nonconforming use in a structure or upon land, or in combination thereof, shall be changed to any other nonconforming use. Any conforming use in a structure or upon land, or in combination thereof, which supersedes a nonconforming use, shall thereafter conform to the regulations for the district in which such use is located, and the nonconforming use may not thereafter be resumed.

**Section 19.06 DISCONTINUANCE OF NONCONFORMING USES**

If a nonconforming use is discontinued through vacancy, lack of operation or any other means, for a continuous period of one year, the right to resume such non-conforming use shall terminate and no use shall be made of the building or land except in conformity with this Ordinance.

**Section 19.07 REPAIRS AND MAINTENANCE**

Nothing contained in this Ordinance shall bar or prevent the owner from making such repairs and reinforcements in any nonconforming building as may be necessary in the interest of public safety or to secure the continued advantageous use of such building, but the right to make such repairs shall not constitute a right to change the nonconforming use to another nonconforming use or extend the said use.

**Section 19.08 CHANGE OF TENANCY OR OWNERSHIP**

A change of tenancy or ownership of a nonconforming use is allowed provided the nonconforming use is not changed to another nonconforming use.

**Section 19.09 DISTRICT CHANGES**

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of another classification, the provisions of this Article shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

**Section 19.10 ILLEGAL NONCONFORMING USES**

Nonconforming uses of structures or land existing at the effective date of this Ordinance that were established without approval of zoning compliance or without a valid building permit, or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of this Ordinance, shall be declared illegal nonconforming uses and are not entitled to the status and rights accorded legally established nonconforming uses.

**Section 19.11 ILLEGAL NONCONFORMING LOTS**

Nonconforming lots that cannot be proved conclusively as existing prior to the effective date of this Ordinance, shall be declared illegal nonconforming lots and are not entitled to the status and rights accorded legally established nonconforming lots.

**Section 19.12 PERMITS**

Construction on or expansion of nonconforming lots, uses or structures requires a Land Use Permit pursuant to Section 3.03(D). Other permits and approvals may also be required

# ARTICLE 20

## ACCESS CONTROLS AND PRIVATE ROADS

### **Section 20.01 INTENT**

The intent of this Article is to provide standards which will facilitate safe and efficient traffic movement and vehicular access in the Township. The standards contained herein are intended to protect the public health, safety, and welfare, including minimizing congestion and potential for accidents, and better assuring accessibility to property under emergency conditions. The regulations and standards of this Article apply to all properties in the Township. The requirements and standards of this Article shall be applied in addition to the requirements of the Michigan Department of Transportation, Leelanau County Road Commission, and other provisions of this Ordinance.

### **Section 20.02 CURB CUTS AND DRIVEWAYS**

**A.** All plans for structures to be erected, altered, moved or reconstructed, and use of premises within the Township shall contain a plan for the proposed driveway access to the premises which shall be part of the plot plan or site plan pursuant to Article 6. Curb cuts and driveways shall be located only as approved in a plot plan or site plan, pursuant to Article 6, and where approval is granted by the Leelanau County Road Commission, Michigan Department of Transportation, and appropriate state authorities as required by law. No such plan shall be approved by the Township unless such driveway access is onto a dedicated public street or an approved private road.

**B.** Driveways shall, at a minimum, meet the following standards:

1. Culverts shall be installed in line with and on the same grade as the road ditch.
2. Driveways within twenty (20) feet of a public or private road shall be aligned to intersect perpendicular to the existing public or private road wherever practical, but in no case shall a driveway intersect with a public or private road at an angle greater than 110 degrees or less than 70 degrees.
3. No portion of the driveway entrance within the right-of-way shall have a grade of greater than ten (10) percent (1 foot vertical rise in 10 feet of horizontal distance).
4. The driveway shall meet clear vision standards of the Leelanau County Road Commission.
5. Residential driveways serving single family or two family dwellings shall be a minimum of fifty (50) feet from the nearest right-of-way line of an intersecting road or street.
6. Vehicle ingress and egress points for commercial or industrial land uses shall not be closer than one-hundred (100) feet to the intersection of any two (2) public streets, or closer than eighty (80) feet to an adjacent driveway within a Commercial or Industrial district.
7. All driveways leading to dwellings, garages, or accessory structures shall have a compacted gravel or paved surface, and shall be designed to minimize erosion.
8. Driveways constructed after the effective date of this Ordinance along major and minor thoroughfares shall align with existing or planned driveways, crossovers, turn lanes or other access features where reasonably feasible. This shall only be required if the resulting alignment provides safe access and if all requirements of this Ordinance, the Leelanau County Road Commission, and the Michigan Department of Transportation are met.
9. The location of new driveways shall conform with road improvement plans or corridor plans that have been adopted by the Township or Leelanau County Road Commission or Michigan Department of Transportation.
10. No driveway shall serve more than one (1) single family dwelling or more than one (1) dwelling unit in a two family dwelling, except where otherwise permitted through site plan review approval.
11. No driveways providing access to nonresidential uses and structures shall cross

residentially-zoned property.

**Section 20.03 LOTS TO HAVE ACCESS**

All parcels or lots hereinafter created in the Township shall abut a public street or an approved private road, and take their access from such street or road along that portion of the street or road which it abuts so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking. In a platted subdivision or condominium subdivision, corner lots shall take their access from an approved private road or approved public street. Wherever a corner lot exists at the intersection of two (2) major thoroughfares, then access shall be taken from the thoroughfare presenting the least hazard in the opinion of the Leelanau County Road Commission.

**Section 20.04 CLEAR VISION ZONE**

No fence, wall, hedge, screen, sign, structure, or vegetation shall be higher than three (3) feet above road grade on a any corner lot or parcel within the triangular area formed by the intersecting road right-of-way lines and a straight line joining the two intersecting right-of-way lines at points which are thirty (30) feet from their point of intersection measured along the right-of-way lines. No fence, wall, hedge, screen, sign, structure, or vegetation shall be higher than three (3) feet above road grade on a any lot or parcel within the triangular area formed by the intersecting lines of a driveway edge and road right-of-way line and a straight line joining the two intersecting lines at points which are twenty (20) feet from their point of intersection measured along the right-of-way line and driveway edge (See Figure 20-1). No structure, hazard or obstruction shall be placed or maintained in the right-of-way, except as may be approved by the Leelanau County Road Commission.

**Section 20.05 PRIVATE ROADS:**

**A. Private Roads Permitted:** Private roads are permitted provided they conform to the requirements of this Section.

**B. Construction and Design Standards:** The creation of a private road which is not subject to the standards of the Land Division Act shall meet the following standards:

1. **Right-of-Way:** All private roads shall have a minimum right-of-way easement of at least fifty (50) feet except that private roads providing access to no more than five (5) lots shall have a minimum right-of-way of at least forty (40) feet. (Amendment 1998-03) While not required to be dedicated to the public, no structure or development activity shall be established within approved rights-of-ways or easements.
2. **Cross Section:** All private roads shall meet or exceed the Leelanau County Road Commission's cross sectional construction standards for roads of similar traffic levels, including road and intersection grades, except that the following exceptions may be made:
  - a. private roads providing access to fifteen (15) or less lots need not be paved.
  - b. private roads providing access to fifteen (15) or less lots shall have a gravel or paved width of a minimum of fifteen (15) feet, provided that such width shall be expanded to twenty (20) feet for a minimum distance of sixty (60) linear feet, at intervals no less than one (1) expanded road width area per five hundred (500) linear feet of private road length.
  - c. private roads providing access to fifteen (15) or less lots which terminate at a dead-end shall terminate in such a manner as to permit emergency vehicles to safely and effectively turn around, as determined by the Fire Chief.
  - d. private roads providing access to sixteen (16) or more lots shall have a minimum paved width of twenty-two (22) feet.
3. **Connection to Public Roads:** Construction authorization from the Leelanau County Road Commission is required for connection to a public road. When applicable, a permit is also required from the County under the Soil Erosion and Sedimentation Control Act. Private roads shall meet perpendicular to a public street right-of-way or private road.
4. **Curves:** Centerline radius of a private road shall not be less than fifty (50) feet.

5. Cul-de-sacs: All cul-de-sacs shall be constructed according to standards of the Leelanau County Road Commission.

**C. Maximum Number of Lots Served:** No more than twenty-five (25) lots may gain access to a single private road if only one point of intersection is provided between a private road and a public road. No more than seventy-five (75) lots may gain access to a private road where two or more points of intersection are provided between a private road or roads and public roads. Where more than seventy-five (75) lots are served, the road shall be a paved public street built to full Leelanau County Road Commission standards.

**D. Road Construction Approval Procedure:** No private road intending to serve sixteen (16) or more lots, or subsequently extended to serve sixteen (16) or more lots, shall be constructed, extended, improved, or relocated after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved.

1. Application: The applicant shall submit a private road application consisting of the following:
  - a. Eight (8) sets of a general property development plot plan complying with the requirements of Section 6.03(A) unless the development requires a site plan pursuant to the requirements of Section 6.03(B) of this Ordinance. All plans as submitted for approval must show the private road easement including a legal description, and must include the grades for these roads.
  - b. Road maintenance agreement signed by applicant/owner(s) to be recorded with the Township Clerk and Leelanau County Register of Deeds providing for:
    - 1) A method of initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow or debris.
    - 2) A workable method of apportioning the costs of maintenance and improvements to current and future users.
    - 3) A notice that if repairs and maintenance are not made, the Township Board may bring the road up to established Leelanau County Road Commission standards for public roads and assess owners of parcels on the private road for the improvements, plus an administrative fee in the amount of twenty-five (25) percent of total costs.
    - 4) A notice that no public funds of the Township of Leland are to be used to build, repair, or maintain the private road.
    - 5) The procedure specifying how the costs for paving the road initially, or when the tenth lot is created will be paid for. If the maintenance agreement fails to so specify, the Township Board may apportion the paving costs via a special assessment to all benefiting property owners or decide that all the costs should be borne by the creator of the tenth lot, whichever under the circumstances, seems fair following a hearing at which each of the affected property owners is notified by mail at least 10 days before the hearing.
  - c. Road easement agreement signed by the applicant/owner(s) to be recorded with the Township Clerk and Leelanau County Register of Deeds providing for:
    - 1) Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
    - 2) A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitee, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the road.
2. Application Review and Approval or Rejection:
  - a. The Zoning Administrator shall review the private road application for completeness and, if complete, send the application to the Planning Commission where site plan approval is required, and to the Leelanau County Road Commission and Township

Engineer for review and comment. The proposed road maintenance agreement and road easement agreement shall be sent to the Township Attorney for review and comment.

- b. Leelanau County Road Commission, Township Engineer, and Township Attorney recommendations shall be forwarded to the Township Board. The Planning Commission shall give its recommendation prior to final action by the Township Board where site plan approval is required.
- c. After reviewing all materials and recommendations submitted, the Township Board shall approve, deny, or approve with conditions the application for a private road. When approval is granted, a land use permit authorizing construction will be issued by the Zoning Administrator.
  - 1) If the application is rejected, the reasons for the rejection and any requirements for approval shall be given in writing to the applicant.
  - 2) At the discretion of the Township Board, a proposed private road may be disapproved unless it connects to a second private road or a public road when necessary to provide safe traffic flow and emergency vehicle access .
- d. The Zoning Administrator will arrange for inspections by the Township Engineer during construction of, and upon completion of the private road.
- e. The Township Board shall grant final approval of a private road upon inspection and finding that the road is constructed according to the approved land use permit.

**E. Failure to Perform:** Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required by the Township subject to any changes made herein or subject to any changes made by the Leelanau County Road Commission, Michigan Department of Transportation, or the Township in its standards and specifications for road construction and development.

**F. Issuance of Building Permit for Structures on Private Roads:** No land use permit shall be issued for a structure on any private road until such private road is given final approval by the Township Board.

**G. Posting of Private Roads:** All private roads shall be designated as such and shall be clearly posted with a clearly readable name which can be easily seen in an emergency. The sign shall be paid for, posted, and thereafter maintained by the property owner's association or developer. The Township Zoning Administrator shall check with the County to avoid a duplicate of names and give approval of same.

**H. Private Roads Serving More Than One Residential Unit:** When a private road serves only one residential unit, compliance with Section 20.05 is not required. However, in the event any divisions of land are thereafter made, or the private road serves an additional principal structure and lot, any road serving the parcels shall comply with all other provisions of this Section.

**I. Notice of Easements:** All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:

"This parcel of land has private road access across a permanent sixty six (66) foot easement which is a matter of record and a part of the deed.

This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only.

Neither the County nor Township has any responsibility for maintenance or upkeep of any improvement across this easement. This is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access.

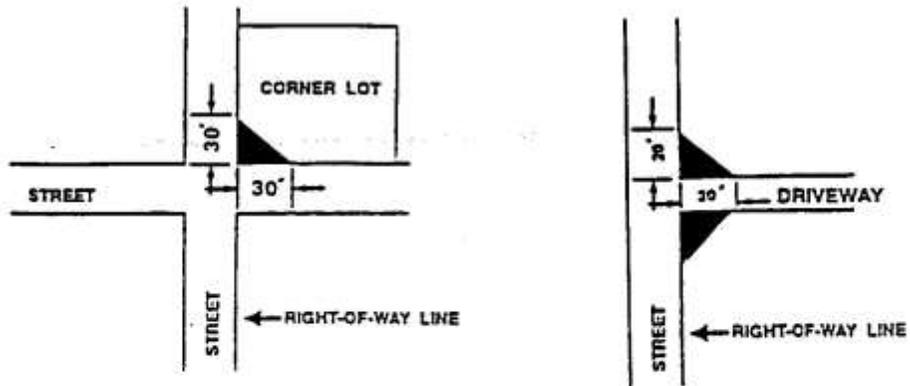
(Michigan P.A. 134 of 1972, as amended.)"

**J. Fees:** Application fee for a private road is to be established by the Township Board. Before final approval the cost of review of plans and inspection by the Township Engineer of the private road and drainage shall be paid for by the applicant/developer.

**Section 20.06 DECELERATION LANES AND TAPERS**

Where it can be demonstrated that a land use will generate daily driveway volumes along a major thoroughfare in excess of 1,000 vehicles per day, a right turn taper, deceleration lane and/or left turn bypass land may be required by the approving body. Such lanes shall be constructed to Michigan Department of Transportation standards, as published in Michigan Department of Transportation Design Guidelines VII-650C, or most current version thereof.

**Figure 20-1  
CLEAR VISION ZONES**



# ARTICLE 21

## OFF-STREET PARKING AND LOADING

### **Section 21.01 INTENT OF PARKING PROVISIONS**

It is the intent of this Ordinance that parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees and patrons of each building and premise constructed, altered or enlarged under the provisions of this Ordinance. In order to prevent undue interference with public use of streets and alleys, every manufacturing, warehouse, wholesale store, retail store, hotel, hospital, laundry, mortuary, and other uses similarly and customarily receiving or distributing goods by motor vehicle shall provide space for such receiving or distributing.

### **Section 21.02 GENERAL REQUIREMENTS**

**A. Fractional Space:** When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

**B. Requirements for a Use Not Mentioned:** In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. The Planning Commission shall make this determination and a record of the rationale applied documented in a file established for that purpose.

**C. Use of Parking Areas:** No commercial repair work, servicing or selling of any kind shall be conducted in any parking area or parking garage. Parking space shall be used only for the parking of vehicles used to service the establishment to which it is accessory and by its patrons.

1. No sign shall be erected in parking areas other than not more than one directional sign at each point of ingress or egress. Such sign may bear the name of the enterprise the lot is intended to serve and shall not exceed three (3) feet in height and nine (9) square feet in area, nor shall project beyond the property line of the premises.

**D. Building Additions or Other Increases in Floor Area:** Whenever a use requiring off-street parking is increased in floor area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity. The Planning Commission may waive a portion or all of the additional parking requirement provided, upon review, it makes a finding that all of the following conditions are true:

1. There are adequate public parking facilities nearby to accommodate the increased parking demand.
2. The waiving of the additional parking spaces will not result in a visible increase in the use of nearby residential neighborhoods for off-street parking purposes.
3. The waiving of the additional parking spaces will not result in a visible increase in traffic congestion or traffic hazards.
4. Significant practical limitations exist which effectively prohibit providing the required additional parking spaces.
5. Provision of the required additional parking spaces can not be addressed under Section 21.02(E) below.

**E. Location and Joint Use of Parking Areas:** All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve. The joint use of parking facilities by two or more uses may be granted by the Board of Appeals whenever such use is practical and satisfactory to each of the uses intended to be served, and when all site development requirements of Section 21.04 are met.

1. **Computing Capacities:** In computing capacities of any joint use, the total space

requirement is the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.

2. **Record of Agreement:** A copy of an agreement between joint users shall be filed with the application for a zoning permit and recorded with the Register of Deeds of the County. The agreement shall include a guarantee for continued use of the parking facility by each party.

**F. Queued Vehicles:** There must be sufficient on-site storage to accommodate at least two (2) queued vehicles waiting to park or exit the site without using any portion of the public street right-of-way or in any other way interfering with street traffic.

**G. Decrease in Parking Areas:** No off-street parking area or parking space which exists at the time this Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless additional parking area or space is provided sufficient to meet the requirements of this Article and Section 6.08.

**H. Restrictions on Parking of Non-Residential Vehicles:** Parking of commercial vehicles in Conservation and Residential Districts shall be limited to one (1) commercial vehicle per dwelling unit not exceeding a capacity of two thousand (2,000) pounds. Parking of semitrucks or trailers, tractors, earthmoving equipment and similar vehicles shall be prohibited in Conservation and Residential Districts unless directly related to construction or agricultural activities occurring on the site.

**I. Barrier-Free Parking Spaces:** Barrier-free parking spaces, measuring a minimum of twelve (12) feet in width, shall be provided in accordance with the most current standards and rules of the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division.

### **Section 21.03 PARKING SPACE REQUIREMENTS**

The number of required off-street parking spaces in all districts, by land use type, shall be as follows:

#### **A. Residential Uses:**

1. **One and Two Family Dwellings:** Two (2) spaces for each single family dwelling unit.
2. **Multiple Dwellings:** Two (2) spaces for each multiple family dwelling unit plus one space per five (5) units for guest parking.
3. **Mobile Home Park:** Two (2) spaces for each mobile home site plus one (1) space per three (3) units for guest parking.
4. **Group Homes (adult foster care):** One (1) space per employee on the largest work shift, plus one (1) space for every three (3) residents of the home.

#### **B. Commercial Uses:**

1. **Automobile Service and Repair Stations:** Two (2) spaces for each repair and service stall (a service stall is not considered a parking space), plus one space per every two (2) employees.
2. **Barber Shops and Beauty Parlors:** Two (2) spaces for each beauty and/or barber chair.
3. **Bowling Alleys:** Two (2) spaces for each alley plus one (1) space for each employee on the largest shift.
4. **Clinics:** Two (2) spaces for each examination or treatment room, plus one (1) space for each doctor or dentist and other employees.
5. **Clothing, Furniture, Appliance, Hardware, Automobile, Machinery Sales, Shoe Repair, Personal Services (other than beauty and barber shops):** One (1) space per three hundred (300) feet of gross floor area.

6. **Commercial and Institutional Recreational Facilities:** One (1) space per three (3) patrons to the maximum capacity of the facility.
7. **Convalescent Homes, Convents or Similar Uses:** One (1) space for each six (6) beds plus one (1) space for every employee on the largest working shift.
8. **Dance Halls, Pool and Billiard Rooms:** One (1) space for every three (3) persons allowed within maximum capacity load.
9. **Funeral Homes and Mortuaries:** One (1) space for every twenty-five (25) square feet of floor area of chapels and assembly rooms.
10. **Kennels:** One (1) space for each five (5) animals of the facility's capacity, plus one (1) space for every two (2) employees.
11. **Laundromat:** One (1) space for every three (3) washing or drying machines.
12. **Miniature or Par 3 Golf Courses:** Three (3) spaces for each hole plus one (1) space for each employee.
13. **Motels, Auto Courts, Bed and Breakfasts:** One (1) space for each sleeping unit plus two (2) spaces for each employee on the largest shift.
14. **Private Recreational Facilities:** One (1) space for every six (6) potential members based on the capacity of the facility as determined by the fire marshal.
15. **Retail Stores, (except as otherwise specified herein):** One (1) space for every three hundred (300) square feet of gross floor area.
16. **Standard Restaurants, Cafeterias, Taverns, Bars:** One (1) space for every three (3) seats up to the capacity of the facility as determined by the fire marshal.
17. **Shooting Ranges:** One (1) space for each unit station plus one (1) space for each two (2) employees.
18. **Stables (commercial):** One (1) space for each five (5) animals of the facility's capacity, plus one (1) space for every two (2) employees.
19. **Supermarket, Self-Service Food Store:** One (1) space for every one-hundred (100) square feet of gross floor area.

**C. Office Uses:**

1. **General Offices:** One (1) space for every two hundred (200) square feet of gross floor area.
2. **Professional Offices and Banks:** One (1) space for every three hundred (300) square feet of gross floor area.

**D. Industrial Uses:**

1. **Excavation Operations:** One (1) space for every employee on the largest shift.
2. **Industrial or Manufacturing Establishments:** One (1) space for every three (3) employees for industry's largest working shift.
3. **Junkyard:** One (1) space for every two (2) employees.
4. **Warehouses, Wholesale Stores:** One (1) space for every eight-hundred (800) square feet of floor area.

**E. Institutional Uses:**

1. **Auditoriums (incidental to schools), Churches, Stadiums, Gyms, Theaters, and Buildings of Similar Use with Fixed Seats:** One (1) space for each four (4) seats plus one (1) space for every two (2) employees.
2. **Boarding and Lodging Houses, Fraternities:** One (1) space for each bedroom or each two (2) occupants of the structure, whichever is greater, plus one (1) additional space for the owner or operator.
3. **Day care facilities (day care center and group day care home, but not a family home day care):** One (1) space for each employee, plus a paved, unobstructed stacking space for pick-up and drop-off, plus one (1) space per four (4) persons of licensed capacity.
4. **Elementary and Middle Schools:** One (1) space for every two (2) employees, plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.

5. **Golf Clubs, Swimming Pool Clubs, Tennis Clubs or Other similar Uses:** Four (4) spaces for each green, plus one (1) space for every two (2) employees on the largest shift, plus fifty (50) percent of the spaces otherwise required for any accessory uses (e.g., restaurant, proshop, etc.).
6. **High Schools and Colleges:** One (1) space for every employee plus one (1) space for each five (5) students (based on the capacity of the facility as determined by the fire marshall), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
7. **Hospitals, Sanitariums:** One (1) space for each three (3) patient beds, plus one (1) space for each two (2) employees on the largest shift, plus one (1) space for each visiting doctor.
8. **Libraries, Museums, Post Offices:** One (1) space for every eight hundred (800) square feet of floor area plus one (1) space for every two (2) employees on the largest shift.

#### **Section 21.04 SITE DEVELOPMENT REQUIREMENTS**

All off-street parking areas shall be designed, constructed and maintained in accordance with the following standards and requirements.

**A. Marking and Designation:** Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.

**B. Driveways:** Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided.

1. Except for parking space provided for single-family and two-family residential lots, drives for ingress and egress to the parking area shall be not less than thirty (30) feet wide and so located as to secure the most appropriate development of the individual property.
2. Each entrance to and exit from an off-street parking area shall be at least twenty-five (25) feet from any adjacent lot within a residential district.

**C. Site Maneuverability:** Each parking space within an off-street parking area shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. All maneuvering lane widths shall permit one-way traffic movement, except for the ninety (90) degree pattern which may provide for two-way traffic movement. The width of required maneuvering lanes and parking spaces may vary depending upon the proposed parking pattern, as follows: (See Figure 21-1)

1. For parking patterns seventy-five (75) to ninety (90) degrees, the maneuvering lane width shall be a minimum of twenty (20) feet and the parking space width shall be a minimum of nine (9) feet
2. For parking patterns fifty-four (54) to seventy-four (74) degrees, the maneuvering lane width shall be a minimum of fifteen (15) feet and the parking space width shall be a minimum of eight and one half (8 1/2) feet.
3. For parking patterns thirty (30) to fifty-three (53) degrees, the maneuvering lane width shall be a minimum of twelve (12) feet and the parking space width shall be a minimum of eight and one half (8 1/2) feet.
4. Parallel parking spaces shall be a minimum of eight (8) feet wide.
5. All parking spaces shall be at least twenty (20) feet in length.

**D. Surface:** Parking areas with a capacity of four (4) or more vehicles, except those for roadside stands and uses permitted by temporary land use permit, shall be surfaced with a material that shall provide a durable smooth and dustless surface and shall be graded and provided with adequate drainage.

**E. Setback:** Unless otherwise permitted within this Ordinance, no off-street parking area shall be located within a required front yard setback, or within ten (10) feet of a side or rear lot line.

**F. Lighting:** Except for single-family and two-family residential lots, adequate lighting shall be

provided throughout the hours when the parking area is in operation.

1. Lighting shall be designed and constructed in such a manner to:
  - a. insure that direct or directly reflected light is confined to the development site
  - b. that all light sources and light lenses are shielded
  - c. that any light sources or light lenses are not directly visible from beyond the boundary of the site.
2. Lighting fixtures shall be a down-type having one hundred percent (100%) cut off. The light rays may not be emitted by the installed fixture at angles above the horizontal plane, as may be certified by photometric test.
3. The applicant shall submit the specifications for the lights, poles, fixtures and light sources to the Township for approval prior to installation. Unless as otherwise approved by the Planning Commission, light sources shall be high pressure sodium. Approved exceptions shall use warm white or natural lamp colors.
4. Recreation area and amusement area lighting shall be equipped with baffling or other devices to assure that the above requirements are achieved.

**Section 21.05 LOADING AND UNLOADING SPACE REQUIREMENTS**

**A. Additional Parking Space:** Loading space required under this Section shall be provided as area additional to off-street parking space as required under Section 21.03 and shall not be considered as supplying off-street parking space.

**B. Access:** Access to a truck standing, loading, and unloading space shall be provided directly from a public street or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley.

**C. Screening:** All loading and unloading areas and outside storage areas, including areas for the storage of trash which abut another District or residential property or which face or are visible from residential properties or public thoroughfares, shall be screened according to Section 23.04(A).

**D. Location:** Unless otherwise permitted within this Ordinance, a loading-unloading area shall not be located within any front yard nor within twenty (20) feet of a side or rear lot line.

**E. Space Requirements:** There shall be provided an adequate space for standing, loading, and unloading service adjacent to the building opening for loading and unloading of not less than twelve (12) feet in width, forty (40) feet in length, and fourteen (14) feet in height, open or enclosed, and shall be provided according to the following table:

<u>Usable Floor Area (square feet)</u>	<u>Space Required</u>
Commercial uses, such as retail stores, personal services, amusement, automotive service.	First 3,200 sq. ft.; none. Next 20,000 sq. ft. or fraction thereof; one (1) space. Each additional 20,000 sq. ft. or fraction thereof; one (1) space.
Hotels, Offices, Clinics	First 3,200 sq. ft.; none. Next 50,000 sq. ft. or fraction thereof; one (1) space. Each additional 100,000 sq. ft. or fraction thereof; one (1)space.
Wholesale and storage contractor's yards.	First 20,000 sq. ft.; one (1) space, including building. Each additional 20,000 sq. ft. or fraction thereof; one space.
Manufacturing uses	First 20,000 sq. ft. or fraction thereof; one (1) space. Each additional 20,000 sq. ft. or fraction thereof; one (1)space.

Funeral Homes and  
Mortuaries

First 5,000 sq. ft. or fraction thereof;  
one space. Each additional 10,000 sq. ft.  
or fraction thereof; one (1) space.

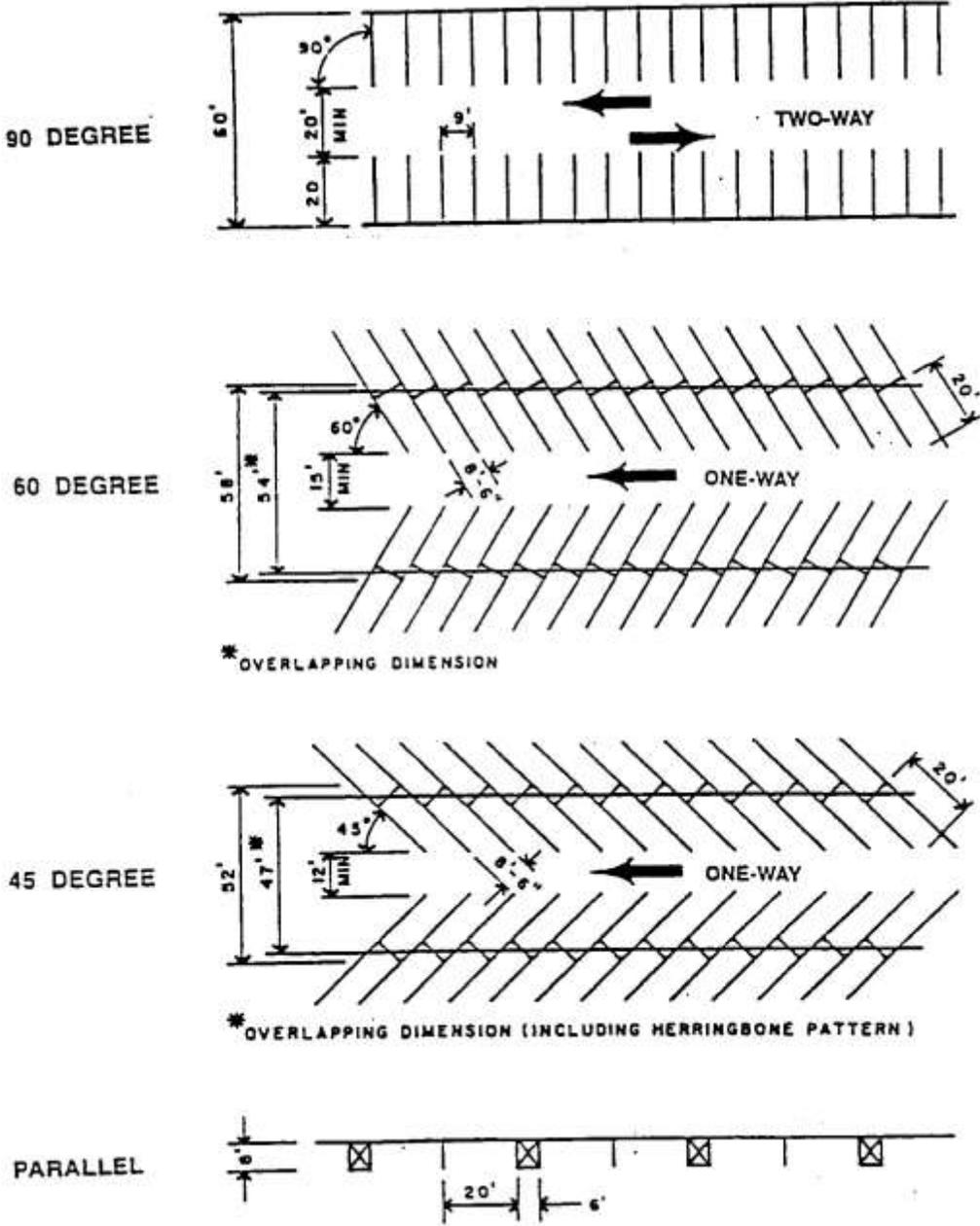
Hospitals

First 20,000 sq. ft.; one (1) space. Next  
100,000 sq. ft. or fraction thereof; one  
(1) space. Each additional 200,000 sq. ft.  
or fraction thereof; one (1) space.

Schools, Churches, Clubs,  
Public Assembly Buildings  
Auditoriums, Boarding Houses,  
Convalescent Homes

For each building, one (1) space.

Figure 21-1  
**PARKING  
 LAYOUTS**



# Article 22

## SIGNS

### Section 22.01 PURPOSE

The purpose of these requirements is to provide a framework within which the identification and informational needs of all land uses can be harmonized with the desires and aesthetic standards of the general public. It is intended through the provisions contained herein to give recognition to the legitimate needs of business, industry and other activities, in attaining their identification and informational objectives. It is a basic tenet of this Article that unrestricted signage does not support the existing character of the Township and does not benefit either private enterprise or the community-at-large as it creates traffic safety hazards, visual clutter, confusion for vehicle drivers and visual blight. It is similarly the intent of this Article to protect the character of residential neighborhoods by discouraging the encroachment of signage which undermines the intended character of such areas.

### Section 22.02 DEFINITIONS

**A. Sign Area:** The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all of the elements of the matter displayed and structural and nonstructural trim. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where (2) such faces are placed back-to-back, parallel to one another and less than one (1) foot apart from one another, the area of the sign shall be the area of one (1) face.

**B. Freestanding Sign:** A sign advertising the name of the establishment and/or goods and services available on the lot which is not attached to a principal or an accessory structure.

**C. Off-Premises Sign:** A sign which identifies goods, services, facilities, events, or attractions which are available or provided at a location other than the lot or parcel upon which such sign is located.

**D. Portable Sign:** Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building, including but not limited to "A-frame", "T-frame", or inverted "T-shaped" structures, including those signs mounted on wheeled trailers.

**E. Wall Sign:** A sign which is attached directly to a building wall with the horizontal sign surface generally parallel to the building wall, including signs painted on any building wall.

### Section 22.03 SIGNS IN CONSERVATION AND RESIDENTIAL DISTRICTS

A single sign in accordance with the definition set forth in Article 2 of this Ordinance shall be permitted in a front yard of a lot in Conservation and Residential districts subject to the following restrictions except as may be otherwise permitted in this Ordinance:

**A.** Non-illuminated signs no larger than nine (9) square feet in area and no closer than fifteen (15) feet to the right-of-way of a street shall be permitted for any of the following purposes:

1. Sale or lease of property (real or personal), however such a sign shall be removed within fifteen (15) days of the consummation of said sale or lease).
2. Political advertising related to a candidate running for office or a proposition up for public vote, except that there is no limit on the number of political advertising signs provided all political advertising signs must be removed within ten (10) days of an election.
3. Identification of a use permitted by right (except for dwellings, see Section 22.03(D) below), special land use approval or a nonconforming nonresidential use.
4. Identification for a temporary use allowed pursuant to Section 18.06 except as provided for temporary real estate offices in Section 22.03(B) following.

**B.** A platted subdivision, condominium subdivision, multiple family development, or mobile home park

is permitted one sign per vehicle entrance, no closer than fifteen (15) feet to the right-of-way of a street, and having a sign area not exceeding twenty (20) square feet and a height not exceeding eight (8) feet. During the construction of such a development, one advertising sign is permitted for up to one and a half (1 1/2) years, having a sign area not exceeding thirty two (32) square feet and a height not exceeding eight (8) feet and is no closer than fifteen (15) feet to the right-of-way of a street. Signs no closer than fifteen (15) feet to the right-of-way of a street and having an area not exceeding six (6) square feet or four (4) feet in height are permitted for the purposes of directing the public to or identifying models.

**C.** Public institutions and special land uses permitted in residential districts shall comply with regulations for commercial uses.

**D.** Identification signs for residences and for home occupations, including residences with family home day care facilities:

1. May be attached to the structure or in the front yard.
2. Shall not be placed in the right-of-way.
3. Shall not exceed four (4) square feet.

**Section 22.04 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS**

Signs shall be permitted in Commercial and Industrial districts subject to the following restrictions:

**A. Type and Usage:** Signs shall be wall signs or/or freestanding signs and shall pertain exclusively to the business or businesses located on the lot on which the sign is located except as specifically authorized otherwise pursuant to Section 22.08.

**B. Number, Size, and Area of Signs:**

1. Number: Except where an off-premises sign may be permitted pursuant to Section 22.08, no more than one (1) freestanding sign shall be permitted on a lot or parcel. There is no limitation on the number of wall signs placed upon a building provided all maximum sign area requirements are met.
2. Size and Area:
  - a. Wall Signs: The maximum total sign area of all wall signs upon a building shall not exceed thirty-two (32) square feet, except in the case where a building is divided into two or more separate businesses, in which case no more than one (1) wall sign is permitted for the purposes of identifying the name of the multiple business development and/or listing the businesses on the premises, and no more than one (1) additional wall sign not exceeding a sign area of sixteen (16) square feet is permitted for each individual business.
  - b. Freestanding Signs: The maximum sign area of a freestanding sign shall be thirty-two (32) square feet.

**C. Wall Signs:**

1. Wall signs shall be placed flat against the main building or more or less parallel to the building on a canopy and may face only an abutting public street or parking area. Signs shall not project above the roof line or cornice. Wall signs shall not extend farther than fifteen (15) inches from the wall, nor be closer than eight (8) feet from the ground below the sign, except that a wall sign may be less than eight (8) feet from the ground provided it does not extend more than two (2) inches from the wall.

**D. Freestanding Signs:**

1. Freestanding signs shall not exceed fifteen (15) feet in height above the road grade nearest to the sign location and shall be placed so as to be set back at least five (5) feet, measured from the right-of-way line to the leading edge of the sign. Freestanding signs shall not obstruct a clear view of traffic.

**Section 22.05 MOVING OR REVOLVING SIGNS PROHIBITED**

Any sign which revolves or has any visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement achieved by electrical, electronic or mechanical means, excepting those actions associated with time-temperature signs, shall be prohibited. Flags, banners or strings of flags or banners, which move due to wind or mechanical devices and which draw attention to a location are considered moving signs and are prohibited. Rotating barber poles, however, are permitted.

**Section 22.06 SIGNS NOT TO CONSTITUTE A TRAFFIC HAZARD**

No sign shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. Signs may be illuminated, but no neon, flashing, blinking or moving illumination shall be permitted. The source of illumination shall be shielded from traffic and adjacent properties and shall not be visible beyond the property line of the parcel on which the sign is located.

**Section 22.07 PORTABLE OR MOVABLE SIGNS**

Portable or movable signs shall not be permitted except in a residential district, subject to the approval of the Zoning Administrator, provided such sign is removed within forty-eight (48) hours of its placement on the lot, the sign is temporarily anchored to the ground to prohibit movement, the sign is not illuminated nor have any flashing lights, the sign does not include any moving parts, and the sign face does not exceed twenty-five (25) square feet in area.

**Section 22.08 OFF - PREMISES SIGNS**

Off-premises signs are permitted in the AC, A-R, C-2, and M-1 Districts only, provided that no such sign shall be located within a platted subdivision or condominium subdivision nor exceed thirty-two (32) square feet in sign area, and provided that no business locate more than one off-premises sign within the jurisdiction of the Township and no lot or parcel be the location of more than one (1) off-premises sign.

**Section 22.09 EXISTING NONCONFORMING SIGNS**

It is the intent of this Section to permit the continuance of a lawful use of any sign or outdoor advertising structure existing at the effective date of adoption of this Section, although such sign or outdoor advertising structure may not conform with the provisions of this Section. It is also the intent that nonconforming signs and outdoor advertising structures shall not be enlarged upon, expanded or extended. Further, it is the intent that nonconforming signs and outdoor advertising structures shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction. The continuance of all nonconforming signs and outdoor advertising structures within the Township shall be subject to the conditions and requirements set forth herein.

**A. Structural Changes:** The faces, supports, or other parts of any nonconforming sign or outdoor advertising structure shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign or outdoor advertising structure conforms to the provision of this Article for the use it is intended, except as otherwise provided for.

**B. Damages:** Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its appraised replacement cost, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance

**Section 22.10 SIGNS REQUIRING PERMITS**

All off-premises signs and signs larger in area than six (6) square feet, including wall signs, shall require a land use permit prior to construction and/or placement. If site plan review is required for a proposed project which a proposed sign shall be part of, the Planning Commission shall review the proposed signage as part of the site plan review procedure for the entire project. If the proposed sign is to be part of an existing development for which site plan approval has already been granted or was

not necessary, the Zoning Administrator shall review the application to assure all applicable ordinance standards have been met prior to issuing a sign permit. The Zoning Administrator may defer action on proposed signage to the Planning Commission.

# Article 23

## LANDSCAPING AND SCREENING

### **Section 23.01 INTENT**

The intent of this Section is to promote the public's health, safety, and general welfare by: minimizing noise, air, and visual pollution; improving the appearance of off-street parking and other vehicular use areas; requiring buffering between incompatible land uses; regulating the appearance of property abutting public rights-of-way; protecting and preserving the appearance and character of the Township's natural and developed areas, minimizing soil erosion and soil depletion; and promoting soil water retention.

### **Section 23.02 APPLICATION**

These requirements shall apply to all uses for which site plan review is required under Article 6, Procedures for Site Plan & Plot Plan Review and any other use so specified in this Ordinance. No site plan shall be approved unless said site plan shall show landscaping, buffer areas, and screening consistent with the requirements set forth herein. No land use permit is required to erect a fence on property with a dwelling unit, although the requirements of this Article shall be met.

### **Section 23.03 LANDSCAPE PLAN REQUIRED**

A separate detailed landscape plan shall be required to be submitted as part of a site plan review (see Article 6). The landscape plan shall identify all buffer areas (see Section 23.04), site landscaping (see Section 23.05), and parking lot landscaping (see Section 23.06), and shall include, but not necessarily be limited to, the following items:

1. Location, spacing, size, and root type [bare root (BR) or balled and burlapped (BB)] and descriptions for each plant type proposed for use within the required landscape area.
2. Minimum scale: 1" = 100'.
3. Existing and proposed contours on-site and 150 feet beyond the site at intervals not to exceed two (2) feet.
4. Typical straight cross-section including slope, height, and width of berms and type of ground cover, or height and type of construction of wall or fence, including footings.
5. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
6. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
7. Identification of existing trees and vegetative cover to be preserved.
8. Identification of grass and other ground cover and method of planting.
9. Identification of landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this Ordinance.

### **Section 23.04 BUFFER AREAS**

**A. Side and Rear Yard Buffer Areas:** All commercial and industrial land uses for which a site plan is required shall be screened by a buffer area at least five (5) feet in height along all adjoining side and rear yard boundaries with residentially zoned property or with other commercial or industrially zoned property located in a different district. The required screening shall be provided by the commercial or industrial use according to one of the following:

1. A buffer consisting of a solid wall, earthen berms, or living materials, or a combination thereof, so as to maintain a minimum opacity of at least eighty (80) percent. Opacity shall be measured by observation of any two (2) square yard area of the landscape buffer between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The plantings must meet this standard based upon reasonably anticipated growth over a period of three (3) years. The applicant shall agree in

writing to install solid fencing after the expiration of three (3) years in the event that the landscaping has not provided the minimum opacity required.

2. Where there is a need to provide a greater noise or dust barrier or to screen more intense development not adequately screened by the application of Section 23.04(A)(1), a solid wall shall be required by the Planning Commission. Such wall shall be five (5) feet or more in height as measured on the side of the proposed wall having the higher grade.

**B. Front Yard Buffer Areas:** A strip of land with a minimum width equal to the front yard setback of its zoning classification shall be located abutting the right-of-way of a minor or major thoroughfare, and shall be landscaped with a minimum of one (1) tree not less than twelve (12) feet in height or a minimum caliper of 2 ½ inches (whichever is greater at the time of planting) for each thirty (30) lineal feet, or major portion thereof, of frontage abutting said right-of-way. The remainder of the front yard buffer area shall be landscaped in grass, ground cover, shrubs, and/or other natural, living, landscape material. Access ways from public rights-of-way through required buffer areas shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of required trees.

**Section 23.05 PARKING LOT and LOADING AREA LANDSCAPING:**

**A.** Separate landscaped areas shall be required either within or at the perimeter of parking lots and shall not be considered as part of a front, side, or rear yard buffer area. There shall be provided a minimum of one (1) tree for every eight (8) parking spaces. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the edge of curbing and pavement.

**B.** Where a parking area containing more than four (4) parking spaces is within one hundred (100) feet of a Residential district, a vegetative screen or fence shall be installed to fully screen views to the parking area from the neighboring Residential district pursuant to Section 23.04(A)(1). This provision shall not apply to roadside stands or uses granted a temporary land use permit.

**C.** All loading and unloading areas and outside storage areas, including areas for the storage of trash which abut another District or residential property or which face or are visible from residential properties or public thoroughfares, shall be screened according to Section 23.04(A)(1) or (2).

**Section 23.06 SITE LANDSCAPING**

**A.** In addition to any buffer area or parking lot landscaping required by this Article, at least ten (10) percent of the site area, excluding existing thoroughfare right-of-way, shall be landscaped with grasses and other live groundcovers, planting beds, and trees, or combinations thereof, except that a minimum of one tree per ten thousand (10,000) square feet of disturbed lot area, or fraction thereof, shall be provided. Existing undisturbed vegetation may be used to meet the above ten (10) percent site area requirement at the discretion of the approving body. "Disturbed lot area" shall be interpreted to mean any area of a lot which is to be paved, built upon, or otherwise altered by grading or other construction activities.

**Section 23.07 MINIMUM STANDARDS OF LANDSCAPE ELEMENTS**

**A. Quality:** Plant material and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to the climate, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections. Plant species which are generally considered undesirable due to limited disease tolerance, low wood strength, and/or high tendencies toward splitting of wood, such as boxelder, mulberry, and willows, are not permitted unless specifically authorized otherwise by the Planning Commission. Vegetative species native to Leelanau County are strongly encouraged.

**B. Composition:** A mixture of plant material, such as evergreen, deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of native hardy species is recommended rather than a large quantity of different species, to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.

**C. Berms:** Berms shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion, and with a rounded top surface a minimum of two (2) feet in width at the highest point of the berm, extending the length of the berm.

**D. Existing Trees:**

1. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the Township, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material, shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the Township.
2. In the event that existing healthy trees which are used to meet the minimum requirements of this Ordinance, or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the Township, the applicant shall replace them with trees which meet Ordinance requirements.

**Section 23.08 INSTALLATION, MAINTENANCE AND COMPLETION**

**A.** All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy, or a performance guarantee will be secured pursuant to Section 3.06 for the amount of the cost of landscaping to be released only after the landscaping is completed.

**B.** All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner and according to accepted good planting and grading procedures.

**C.** The owner of property required to be landscaped by this Ordinance shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.

**Section 23.09 FENCING AND WALLS**

**A. Construction**

1. Materials: Fencing and screening shall consist of one or more of the following:
  - a. Solid board fences with wood posts not less than three and one half inches thick (3 1/2" x 3 1/2") and solid board cover not less than three quarters (3/4) of an inch thick. Masonry piers may be substituted for wood posts. Posts or piers shall be spaced not more than eight (8) feet on center. The finished side of fencing shall face abutting properties. Stockade type fencing is not permitted.
  - b. Wrought iron, open mesh or slatted fencing, provided that the ratio of one part open to six-parts of solid fencing is not exceeded.
  - c. Masonry walls designed and constructed to facilitate maintenance and not modifying natural drainage in such a way as to endanger adjacent property. The faces of such walls are to be of face brick, poured-in-place simulated face brick, precast brick panels having simulated face brick, stone, embossed or pierced concrete block, or other decorative masonry material.
2. Height: Unless otherwise specified or determined by the Planning Commission or Zoning Board of Appeals, fencing and screening is to be five (5) feet in height. Gateposts and other superstructures over site entrances and exits may be up to twelve (12) feet in height. Fencing and screening materials of a height greater than three (3) feet are not to be located within a required front setback or side setback adjacent to a street.

**B. Application**

1. Mechanical Equipment:(this subsection does not apply to single-family or two family residential uses, or to any use in an Industrial district except if it abuts a Residential district): When located outside of a building, support equipment including air conditioning and heating devices and water and gas meters, but not including plumbing or exhaust vents or chimneys,

are to be screened from the view of the street or surrounding properties by landscaping, a solid wall, or fencing, to the height of the particular piece of equipment.

2. Outdoor Storage in Commercial and Industrial districts: To be screened on all sides by a solid wall or fencing of not less than six (6) feet in height.
3. Public Utility Substations In Any District: To be screened on all sides by a solid wall or fencing of not less than six (6) feet in height, and landscaping.
4. Swimming Pools: See Section 18.04.

**C. Exceptions to Fencing and Wall Requirements:**

1. Location Adjustment: Where property line screening is required, the location may be adjusted so the fence or wall may be constructed at or within the setback line, provided the areas between the fence and the lot lines are landscaped, or retained in their natural vegetative state at the discretion of the Planning Commission.
2. Existing Screening: Any fence, screen, wall or hedge which does not conform to the provisions of this Section and which is legally existing at the effective date of this Ordinance may be continued and maintained, provided there is no physical change other than necessary maintenance and repair in such fence, screen, wall, or hedge except as permitted in other sections of this Ordinance.
3. Zoning Board of Appeals: The Zoning Board of Appeals may require or waive any fencing, screening, landscaping or buffering as may be provided for in this Section as a condition of a variance or other authorization in whatever manner necessary to achieve an identified public purpose. The Zoning Board of Appeals shall record the reason for the condition and clearly specify what is required in any approval granted.
4. Barrier Fences: Barrier fences containing barbed wire, electric charges or sharp materials at the top of a fence or wall less than eight (8) feet in height are prohibited unless needed to protect the public safety or manage livestock and is approved by the Planning Commission.
5. Fire Hazard: No fence shall be approved which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, nor which will interfere with access in case of fire to buildings in the vicinity or which will constitute a hazard to street traffic or to pedestrians.

**Section 23.10 MODIFICATIONS**

Any of the requirements of this Article may be waived or modified through Site Plan approval, provided the approving body first makes a written finding that specifically identifies characteristics of the site or site vicinity that would make required buffer areas, fencing, or screening unnecessary or ineffective, or where it would impair vision at a driveway or street intersection.

# Article 24

## ENVIRONMENTAL STANDARDS

### **Section 24.01 INTENT AND PURPOSE**

The purpose of this Article is to promote a healthy environment in Leland Township as it relates to the Township's natural resources, sensitive ecosystems, the integrity of the Township's land, water, and air, and the quality of the Township's visual environment. It is the intent of this Article to identify and protect those areas of Leland Township which are particularly sensitive to development activities and changes in their natural state and surroundings. These environmentally sensitive areas, due to their soil, wildlife habitat, drainage, vegetative and/or topographic characteristics are particularly vulnerable to degradation where development activities occur without regard for their fragile character. These environmentally sensitive areas also support the desired character of Leland Township and its economic well being. The intent of this Article is to provide a heightened level of protection to these areas which will provide for their continued integrity while still permitting acceptable levels of development. All provisions of this Article apply to all structures and uses unless otherwise noted.

### **Section 24.02 DEFINITIONS**

- A. For the purposes of this article, the following terms shall have the following meanings:
1. Steep Slope: Any area exceeding a slope of twenty-four (24) percent.
  2. Shoreline: Any area within five hundred (500) feet of the water's edge of Lake Michigan; any additional areas adjacent to Lake Michigan designated by the State of Michigan or County agencies as environmental areas worthy of protection due to wildlife habitats, sensitive aquatic vegetation, or high risk of erosion; and any area within one hundred fifty (150) feet of the water of a stream, river, pond, lake or wetland area, or the designated floodplain of such water bodies, whichever is greater.
  3. Ridgeline: The line at the top of a hill where the average slope first becomes less than five (5) percent. If the average slope never becomes this shallow at the top of a hill, then the line at the top of the hill as seen from the nearest public road providing access shall be the ridgeline.

### **Section 24.03 COMPLIANCE WITH LOCAL/COUNTY/STATE/FEDERAL REGULATIONS**

- A. The Township shall not approve any land use which requires a county, state, or federal permit, until such permit has been obtained and satisfactory evidence has been submitted verifying the acquisition of the necessary county, state, and/or federal permits. All land uses and construction activities shall conform with the provisions of this Ordinance and the following:
1. Surface water drainage standards of the Leelanau County Road Commission and Leelanau County Drain Commissioner.
  3. Soil erosion and sedimentation requirements of the Leelanau County Drain Commissioner.
  3. Requirements of the Michigan Department of Public Health and the Leelanau County Health Department.
  4. Michigan Department of Natural Resources requirements for air and water quality protection, wetlands, stream crossings, and fills in or near water bodies or in flood plains, including the following:
    - a. Provisions of the Michigan Environmental Protection Act, P.A. 127 of 1970, as amended.
    - b. Provisions of the Michigan Wetlands Protection Act, P.A. 203 of 1979, as amended.
    - c. Provisions of the Shorelands Protection and Management Act, P.A. 245 of 1970, as amended.
    - d. Provisions of the Michigan Sand Dunes Protection and Management Act, P.A. 222 of 1976, as amended.
    - e. Provisions of the Michigan Inland Lakes and Streams Act, P.A. 346 of 1972.

- f. Provisions of the Michigan Soil Erosion and Sedimentation Control Act, P.A. 347 of 1972, as amended.
- 5. All local, county, state and federal regulations related to loading/unloading, transport, storage, use and/or disposal of hazardous substances.
- 6. Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation shall be used as standards for this Ordinance.
- 7. No dust, fumes, or noxious, odorous matter shall be discernible at or beyond the property line except as a result of agricultural activities in accordance with the generally accepted agricultural and management practices of the Michigan Agriculture Commission for manure management and utilization, and with Michigan Department of Agriculture and County Health Department regulations.
- 8. Any atmospheric discharge requiring a permit from the Michigan Department of Natural Resources or federal government shall have said permit(s) as a condition of approval for any use in this district. The escape of or emission of any gas which is injurious or destructive or explosive is prohibited.
- 9. It shall be unlawful to discharge at any point any materials in such a way or of such nature or temperature as can contaminate any surface waters, land or aquifers, or otherwise cause the emission of dangerous or objectionable elements, except in accord with standards approved by the Michigan Department of Natural Resources.
- 10. Radio active materials shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, as amended from time to time.

**Section 24.04 ON-SITE SEWAGE DISPOSAL**

**A.** On-site sewage disposal by septic facilities is prohibited in wetland areas where percolation rates are less than one (1) inch per forty-five (45) minutes, or greater than one (1) inch per five (5) minutes in duneland and shoreline areas. Such disposal systems are permitted in wetland areas and dunelands where percolation rates do not exceed these standards provided the minimum lot size for the lot to be served by the system is a minimum of two (2) acres in size and evidence can be presented documenting that the effluent from such system will not degrade the quality of surface or ground waters. In addition, such systems in shoreline areas shall be set back one hundred (100) feet from the mean high water mark, be sited upon level or sloped land of less than twenty-five (25) percent grade, and shall be a minimum of six (6) feet above the mean high water mark where such mark has been established. (Amendment 1997-12)

**B.** No on-site sewage disposal shall be permitted on slopes 25% or greater.

**Section 24.05 CLEARING, GRADING, AND FILLING**

**A.** In order to protect soil resources, adjacent properties, public roads, public watercourses, and to provide for adequate drainage of surface water, the following rules shall apply to all construction activities requiring permits pursuant to this Ordinance.

- 1. Clearing of a Site: Stripping and removal of topsoil from the site is prohibited.
- 2. Flow Restrictions: The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface water flows away from the building or structure and is managed in a manner which avoids increased flow onto adjacent properties or public roads, the erosion or filling of a roadside ditch, the blockage of a public watercourse or the creation of standing water over a private sewage disposal drainage field.
- 3. Elevation Restrictions: Filling a parcel of land with earth or other materials to an elevation above the established grade of adjacent developed land is prohibited without the expressed written approval of the County Drain Commissioner, and approval by the Planning Commission.

**Section 24.06 POTABLE WATER and SEWAGE DISPOSAL**

**A.** Any structure for human occupancy and used for dwelling, business, industrial, recreational, institutional, mercantile or storage purposes shall not be erected, altered, used or moved upon any premises after the effective date of this Ordinance unless said structure shall be provided

with a potable water supply and waste water disposal system that ensures a safe and effective means of collection, treatment, and disposal of human, commercial, and industrial wastes.

**B.** All on-site sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the Leelanau County Public Health Department as well as those of other applicable local, county, state, or federal agencies. A sanitary sewer system serving two (2) or more dwellings shall meet all federal, state, county and Township requirements for a public sanitary sewer system and shall be operated and maintained as a public system.

**Section 24.07 LIGHTING**

**A.** No lighting shall in any way impair the safe movement of traffic on any street or highway.

**B.** Screening at least six (6) feet in height shall be erected to prevent headlight glare from commercial or industrial land uses from shining onto adjacent residential property. No screening shall in any way impair safe vertical or horizontal sight distance for any moving vehicles.

**C.** Exterior lighting shall be so installed that the surface of the source of light shall not be visible and shall be so arranged as far as practical to reflect light away from any residential use, and in no case shall more than one foot candle power of light cross a lot line five (5) feet above the ground in a residential district.

**Section 24.08 COMMERCIAL AND INDUSTRIAL USES**

All land uses and structures within commercial or industrial zoning districts shall conform to the following standards:

**A.** No major repairs or refinishing shall be done outside of the principal structure.

**B.** Objectionable noises due to intermittence, beat frequency, or shrillness, shall be muffled so as not to become a nuisance to adjacent uses. The intensity level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

<u>Decibels (dba)</u>	<u>Adjacent Use</u>	<u>Where Measured</u>
55	Residential Dwellings	Common Lot Line
65	Commercial	Common Lot Line
70	Industrial and Other	Common Lot Line

**C.** All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of .003 of one inch measured by any lot line of its source.

**D.** Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line except during the period of construction of the facilities to be used and occupied.

**Section 24.09 SURFACE WATER/GROUNDWATER MANAGEMENT AND PROTECTION**

**A.** All businesses and facilities which use, store, or generate hazardous substances in quantities greater than one hundred (100) kilograms per month shall comply with the following requirements:

1. The project and related improvements shall be designed to protect groundwater and water bodies on or near to the site, including lakes, ponds, streams, wetlands, floodplains, and groundwater.
2. Stormwater management and drainage shall be designed to maintain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface or groundwater, on-site or off-site. All lots shall retain storm water runoff on-site, or detain it so as to allow discharge

- without any impact on adjacent lands, streams or water bodies above the existing predevelopment runoff impact.
3. Any general purpose floor drain, where there is a potential for hazardous substances to flow into the floor drain, shall be connected to a public sewer system if so authorized to accept hazardous waste, or to an on-site holding tank specifically constructed to accommodate hazardous wastes, in accordance with state, county and township requirements, unless a groundwater discharge permit has been obtained from the Michigan Department of Natural Resources. Any such holding tank shall not be part of any septic system and shall be emptied by a licensed disposer of hazardous wastes. Hazardous substances shall be isolated from all floor drains which do not drain into a containment tank. Monitoring manholes may be required by the Planning Commission.
  5. Sites at which hazardous substances and polluting materials are stored, transported, used or generated shall be designed to prevent spills and discharges of polluting materials to the air surface of the ground, groundwater, lakes, streams, rivers or wetlands.
  6. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be permitted without appropriate state and county permits and approvals.
  7. Outdoor storage of hazardous substances is prohibited except in product-tight containers which are protected from weather, leakage, accidental damage, and vandalism.
  8. Secondary containment of hazardous substances shall be provided for all storage use areas and shall be sufficient in cubic area to store one hundred twenty (120) percent of the volume of stored hazardous substance for the maximum time period necessary for the operator to recover any released substance.
  9. All state and federal requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal shall be met.
  10. Existing and new underground storage tanks shall be registered with the Michigan Department of Natural Resources in accordance with federal and state requirements.
  11. Installation, operation, maintenance, closure and removal of underground tanks shall be in accordance with the requirements of all local, state and federal agencies including any such requirements for leak detection measures, corrosion protection, spill prevention and overflow protection.
  12. Records of monthly monitoring or inventorying shall be retained and available for review by state and local officials.

#### **Section 24.10 SENSITIVE LANDS**

**A.** (Amendment 2016-01) Where a portion of a parcel may be characterized as an environmentally sensitive area such as a floodplain, dune formation, steep slope and/or shoreline area, new development on the parcel shall occur on those portions of the parcel void of such sensitive resources where reasonably feasible as determined by the appropriate regulatory authority. The following standards shall be met:

1. Shorelines and Floodplains (Amendment 2016-01):
  - a. No buildings shall be built in the 100-year floodplain, as established by the U.S. Army Corps of Engineers or the Michigan Department of Environmental Quality, unless the lowest floor and the heating and electrical systems are located four feet above the level of the established floodplain. Such elevation may not be achieved through filling, but may be achieved through the use of stilts, lifts, pilings, or other suitable means, provided all applicable regulations of this Ordinance are met. No construction of any on-site sewage disposal system, or digging or drilling of well or other domestic water supply sources, is permitted in the floodplain.
  - b. A natural vegetation strip established from the water's edge to a distance of 40 feet inland shall be established and maintained and shall not be used for the dumping or storage of unsightly, offensive, or potentially polluting materials,

including compost piles, grass cuttings, leaves, garbage, trash, refuse, junk cars or appliances, or toxic materials.

(1) Natural shrubbery, trees, or other vegetation shall be preserved as far as practical, and where removed, shall be replaced with other naturally occurring native vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty. A mowed lawn is not a desirable vegetation strip adjacent to a shoreline. Native vegetation shall be used when new vegetation is planted.

(2) Existing soil and organic matter shall not be altered or disturbed within the natural vegetation strip.

(3) No structure shall be permitted within the natural vegetation strip except for docks, boat ramps, boat houses, pump houses, elevated walkways, and previously constructed at-grade walkways.

(4) Removal of vegetation in the natural vegetation strip shall be limited to no more than 30 percent of the length of this strip clear cut to the depth of the strip, provided that cutting of this 30 percent shall not create a clear cut opening in the strip greater than 25 feet wide in every 100 feet of shoreline.

c. The following uses of land adjacent to a lake, river or stream shall be set back 40 feet from the water's edge, except where such uses are of a commercial nature in a Commercial District, in which case the setback shall be 25 feet.

(1) Principal structures.

(2) Parking lots or parking areas.

(3) Roads, driveways or recreation trails, unless the Planning Commission determines that no alternatives exist, provided they be designed in a manner to minimize adverse impacts.

d. One small deck platform (not to exceed 220 square feet in area) shall be allowed within 40 feet of a lake, river or stream, in the cleared strip allowed in 1.b. above. A walkway including steps not exceeding five feet in width shall be allowed within the clear-cut strip provided for in c.(3) to allow access to the water's edge, deck platform, dockage and permitted structures on the property.

## 2. Steep Slopes

a. Where development is proposed on steep slopes, plans shall be prepared for the disposal of storm waters without serious erosion of topsoil and driveway areas and without sedimentation of any stream or other body of water.

b. All exterior lighting shall be below tree level.

c. Access drives and/or roads shall be placed as close to the natural contour of the land as possible in order to minimize cutting and filling.

d. Buildings shall be set back from the ridgeline at least fifty (50) feet.

e. The cutting and removal of trees and other native vegetation shall be performed according to the following standards:

(1) The clear-cutting of woodlands and the removal of shrubbery and undergrowth shall be restricted to the removal of dead, diseased, or dying trees.

(2) Selective cutting shall not remove more than forty (40) percent of the trees and shall leave a well-distributed stand of tree foliage, except that such cutting shall not remove more than twenty (20) percent of the trees where such trees are on a westerly facing slope, are within five hundred (500) feet of the water's edge of Lake Michigan, and the slope is characterized by predominantly sandy soils.

(3) All removal of vegetation shall be done in such a manner as to avoid erosion and preserve rare species of vegetation, scenic qualities, and desirable screening.

f. No pathway or trail shall cause erosion or damage to nonvegetated or vegetated areas. The Planning Commission may require raised boardwalks or stairways be erected which will not cause weakening or damaging of the steep slope area.

3. High Risk Erosion Areas and Dunelands
  - a. All land uses, structures and construction activities in high risk erosion areas shall be in conformance with the Shoreland Protection Act.
  - b. All land uses, structures and construction activities in dunelands shall be in conformance with the Sand Dune Protection and Management Act.

# Article 25

*Reserved for Future Use*

# **Article 26**

## **INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL, AND EFFECTIVE DATE**

### **Section 26.01 INTERPRETATION**

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or structures or land or upon the courtyards or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

### **Section 26.02 SEVERANCE CLAUSE**

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid.

Further, if any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot use building or structure not specifically included in said ruling.

### **Section 26.03 VESTED RIGHT**

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

### **Section 26.04 REPEAL**

All ordinances and amendments thereto enacted and/or adopted by the Township by virtue of Act 184 of the Public Acts of 1943, as amended, and all ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. The repeal of existing ordinances or parts of ordinances and their amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

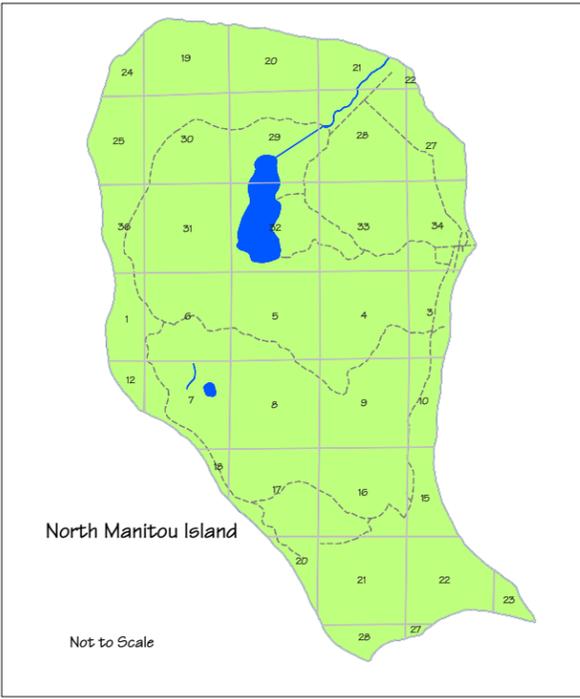
**Section 26.05 EFFECTIVE DATE**

This Ordinance shall take effect 30 days following adoption and upon publication of a notice of adoption in accordance with the provisions and procedures of the Township Rural Zoning Act, PA 184 of 1943 as amended.

Made and passed by the Township Board of the Township of Leland, Leelanau County, Michigan on this 8th day of July, 1996.

1. Date of Public Hearing: June 11, 1996.
2. Dates of Publication of Public Hearing Notice: May 23 and June 6 of 1996.
3. Date of Adoption by Township Board: July 8, 1996.
4. Date Notice of Adoption Published in Newspaper: July 18, 1996.
5. Date Ordinance Shall Take Effect: August 17, 1996.

# Leland Township Zoning Map

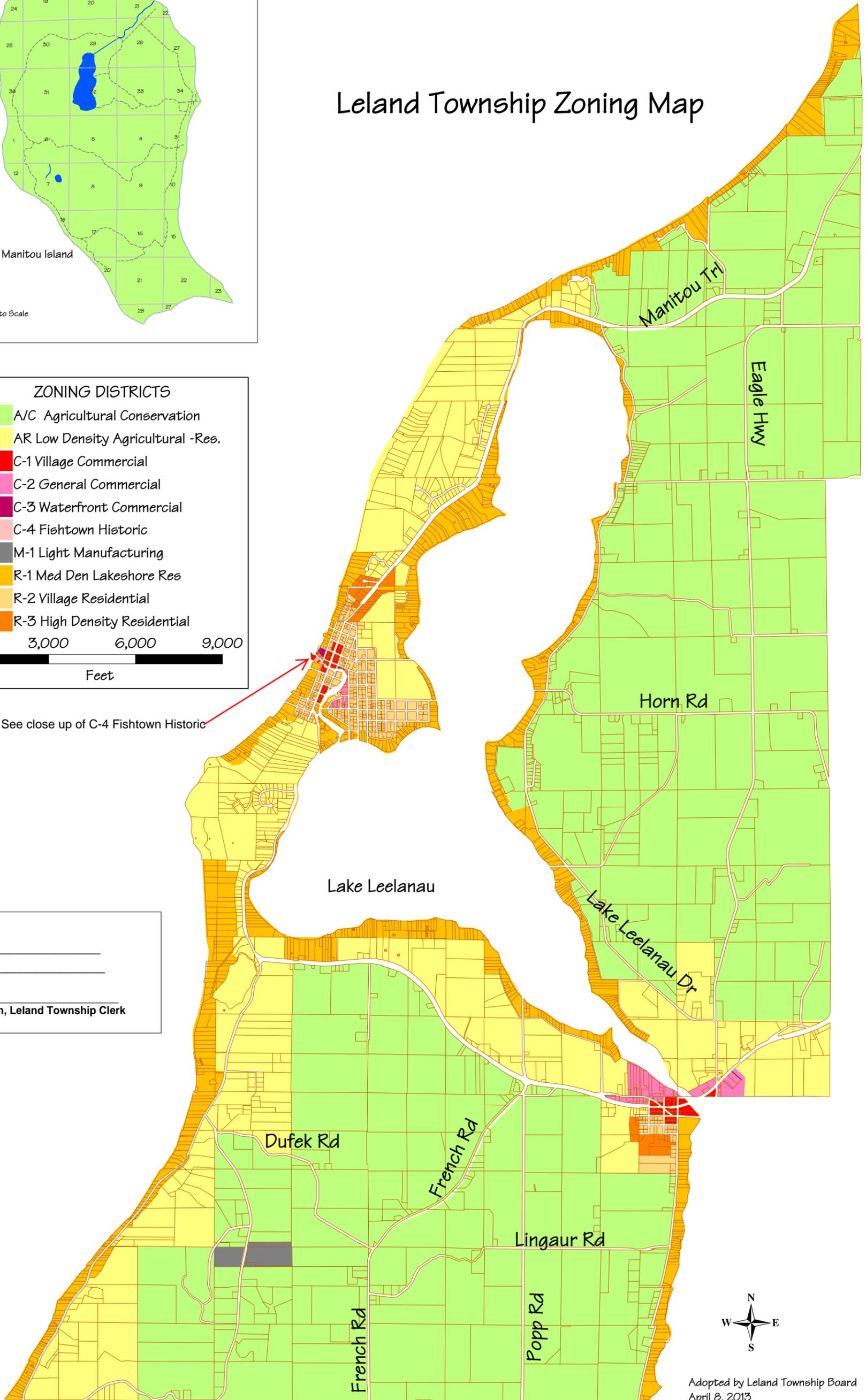


**ZONING DISTRICTS**

- A/C Agricultural Conservation
- AR Low Density Agricultural -Res.
- C-1 Village Commercial
- C-2 General Commercial
- C-3 Waterfront Commercial
- C-4 Fishtown Historic
- M-1 Light Manufacturing
- R-1 Med Den Lakeshore Res
- R-2 Village Residential
- R-3 High Density Residential

0      3,000      6,000      9,000  
Feet

See close up of C-4 Fishtown Historic



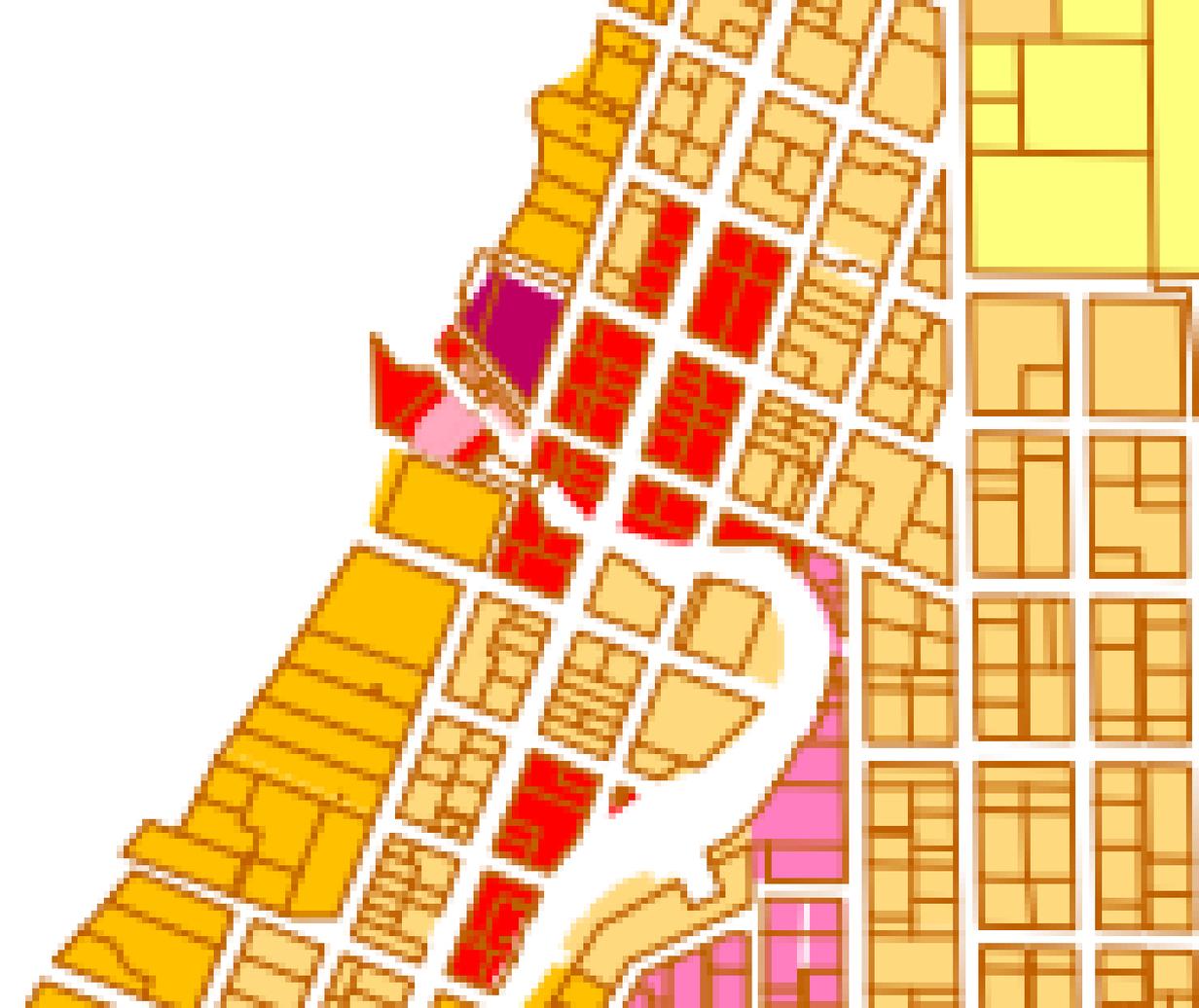
Adopted: \_\_\_\_\_  
Effective: \_\_\_\_\_

Jane M. Keen, Leland Township Clerk



Adopted by Leland Township Board  
April 8, 2013

Note: This is not the official Township Zoning Map, if there are any discrepancies between this map and the map maintained by the Township, the latter shall be deemed to govern.



**CUMULATIVE AMENDMENTS  
TO THE LELAND TOWNSHIP ZONING ORDINANCE  
EFFECTIVE AUGUST 17, 1996  
AS PRINTED AND BOUND  
Amendments 1996-01 through 2016-02  
October 2016**

Changes in the text are identified as follows: This is old, this is new and this is old again.

**Amendment 1996-01**

p 2-7 Add - Height, Wind powered electrical generating tower: The distance between the ground and the highest point achieved by the tip of a rotor blade.

**Amendment 1996-02**

p 6-1 Sec 6.02A1 - by right within any general commercial or industrial zoning district

**Amendment 1996-03**

p 10-2 Add - Sec 10.01D1c For every four lots created according to the provisions of D1 above which do not gain access from a major or minor thoroughfare (i.e. such lots are located within a platted subdivision or condominium subdivision, or gain access from an approved private road), one additional lot may be created.

**Amendment 1996-04**

p 11-6 Sec 11.05B1 - 1. One or two family dwelling

**Amendment 1996-05**

p 12-2 Sec 12.01D7 - Access Control and Private Roads; (deleted) Article 22:Signs;

**Amendment 1996-06**

p 12-2 Add - Sec 12.01D8 Provisions of Article 21: Off-Street Parking and Loading apply to newly established C-1 districts but not to existing C-1 districts.

**Amendment 1996-07**

p 18-7 Sec 18.12D - seventy (70) feet in height, except in agricultural districts where they shall not exceed one hundred twenty (120) feet in height, and the distance

**Amendment 1997-01**

p 18-1 Sec 18.02 - to the principal use (deleted) except in platted subdivisions.

**Amendment 1997-02**

p 18-13 New Sec 18.23D - No more than one slip, mooring, boat hoist or any other means of anchorage per twenty five feet (25') of frontage on the water shall be allowed.

**Amendment 1997-03**

p 18-13 New Sec 18.23E - On inland lakes, docks shall not exceed 1 per one hundred feet (100') of lot width and shall not extend beyond a water depth of five feet (5'). Notwithstanding the water depth, persons are entitled to a maximum dock length of thirty five feet (35').

**Amendment 1997-04**

p 18-13 New Sec 18.23F - Boat Launch facilities are not permitted. Reletter current 18.23D to 18.23G

**Amendment 1997-05**

p 12-1 Sec12.01B1 - (Deleted) Single family dwellings.

**Amendment 1997-06**

p.16-3 Delete existing wording of Section 16.05A1 and replace with the following:  
No bed and breakfast shall be established closer than one thousand five hundred (1500) feet to another bed and breakfast. The distance shall be measured along the shortest straight line between the buildings.

**Amendment 1997-07**

p 18-12 Section 18.23 - When more than two (2) families share frontage on Lake Michigan or Lake Leelanau without residing on said frontage

**Amendment 1997-08**

p 3-2 Section 3.03 - after receiving a Building Permit from the County Building Inspector. No permit is required for an accessory structure of one hundred (100) square feet or less unless it is on a permanent foundation.

**Amendment 1997-09**

p 12-3 Section 12.02C Add 13. Public or private office buildings.

**Amendment 1997-10**

A new zoning map to be reproduced and distributed.

**Amendment 1997-11**

p 18-1 Section 18.02B - Livestock: Except for farms, the raising and keeping

**Amendment 1997-12**

p 24-2 Section 24.04A - shall be set back one hundred (100) feet from the mean high

**Amendment 1997-13**

p 9-5 Section 9.10 and p 11-2 Section 11.01D3 - Change yard and setback requirements for the AR District as follows: Front yard, Twenty five (25) feet; Side yard, Ten (10) feet; Rear yard, Twenty five (25) feet.

**Rezoning 1997-01**

The part of the following parcels with prefix 045-009 lying west of Indiana Woods Road are rezoned from AR to R1A:

- 032-00, 033-00, 044-00, 039-00, 041-00, 028-00, 027-00, 035-00, 036-00,
- 038-00, 056-00, 053-30, 053-00, 034-00, 034-10, 045-00, 043-10, 047-00,
- 047-10, 048-00, 058-00, 059-00, 040-00.

**Amendment 1997-14**

p 4-3 and 4 Section 4.06 - At several places in this section replace "Township Clerk" with "Zoning Administrator" as follows:

- 4.06 A1 - written Notice of Appeal with the Zoning Administrator on forms
- 4.06 A1 - receipt of a Notice of Appeal, the Zoning Administrator shall promptly
- 4.06 B - shall be paid to the Township (omit Clerk) at the time
- 4.06 C - in the opinion of the Zoning Administrator and chairperson of
- 4.06 E3 - application filed with the Zoning Administrator prior to the

## Amendment 1997-15

p 19-1 Section 19.02 - of Appeals. Except in the R-2 District, however, if two or more

## Amendment 1997-16

p 10-3 Section 10.01 D3 - Yard and Setback Requirements

- a. Front Yard: Thirty (30) feet
- b. Side Yard: Ten (10) feet
- c. Rear Yard: Thirty (30) feet

## Amendment 1997-17

p 12-1 Add Section 12.01 C6 - 6. Adult Related Businesses

p 12-3 Add Section 12-02 C13 - 14. Adult Related Businesses

p 16-19 to 20 Add Section 16.29 ADULT RELATED BUSINESSES

**A. Intent.** The purpose of this Section is to clearly define what constitutes an adult related business and regulate the location and concentration of such businesses but not exclude such businesses. These regulations were created with the understanding that Leland Township acknowledges that there are some uses which, because of their very nature, have serious objectionable impacts when concentrated in location and causing deleterious effects upon adjacent residential and commercial use areas. The Township recognizes that regulation of adult related businesses is necessary to insure that adverse effects will not contribute to the blighting or downgrading of surrounding residential neighborhoods and retail areas.

### B. Definitions.

- 1. Adult-Related Business:** Any business, club or organization where one or more persons display "specified anatomical areas" or engage in "specified sexual activities" as defined in this Section, either in person or by photograph, motion picture, television or other type of image. This definition includes the following as defined by this Section: "adult bookstore," "adult theater," "massage parlor," "public bath" and "taxi dance hall."
- 2. Adult Book Store:** An establishment permitting physical access by customers to floor area or shelf space which is devoted to the display of books, magazines or other periodicals, videotapes, photographs or motion picture films which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined by this Section. This definition also includes any establishment which indicates the availability of such material by any sign, advertisement or other device audible or visible from anywhere outside the principal building, regardless of the amount of area devoted to said material.
- 3. Adult Theater:** Any establishment presenting material or activity distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined by this Section, for observation by patrons or customers.
- 4. Massage Parlor:** An establishment in which a substantial portion of the business conducted involves the administration of nontherapeutic massage, touching or fondling of such body areas as human genitals, pubic region, buttock or breasts. The term "massage parlor" does not include medical or therapeutic massage services or any state licensed practitioners or medical or related services such as chiropractors or physical therapists.
- 5. Public Bath:** An establishment providing common bathing facilities or hot tubs for use for a fee. Shower facilities, swimming pools, saunas and similar facilities intended as accessory uses in a school, health club, motel or similar facilities are not "public baths."
- 6. Specified Anatomical Areas:** Human genitals, pubic regions, buttock, or any portion of the female breast below a point immediately above the top of the areola when less than completely and opaquely covered, in addition human genitals in a discernibly turgid state, even if completely and opaquely covered.
- 7. Specified Sexual Activities:** Human genitals in a state of stimulation or arousal; acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual), or sodomy; fondling of or erotic touching of human genitals, pubic region, buttock or female breast; bestiality, fellatio or cunnilingus; sadomasochistic abuse and human excretory functions.
- 8. Taxi Dance Hall:** An establishment which provides dance partners for one or more dances as the direct or

indirect result of payment of a fee.

**C. The following site and developmental requirements shall apply:**

1. No adult related business shall be established on any premises where there exists more than one (1) other adult related business within one thousand five hundred (1,500) feet, measured between the closest buildings.
2. The property on which an adult related business is located shall be situated at least five hundred (500) feet from a residential zoning district, church or school as measured between the closest property lines.

**D. Special Performance Standards:**

1. Adult related businesses shall not be located within a building in which one (1) or more dwelling units are located.
2. Activities conducted within buildings housing the aforementioned uses shall be shielded in such a manner that no person outside the building can see said activity, provided however, that such shielding shall not consist of a curtain alone, shall not obstruct the exit sign or directional or instructional signs regarding emergency egress, nor be constructed in such a way as to block an exit.
3. Signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner which include "specified anatomical areas" or "specified sexual activities.
4. Operational hours are permitted between 10 a.m. and 10 p.m. only.
5. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level.
6. The applicant shall submit a diagram of the premises showing a plan there of and specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and illumination intensity of each. A manager's station shall not exceed thirty (30) square feet of floor area.
7. The premises shall be so configured and designed to provide an unobstructed view of each area of the premises to which any person is permitted access for any purpose, from at least one (1) of the manager's stations.

**Amendment 1997-18**

p 2-3 Communication Tower—Delete: *(A radio, telephone ... telecommunication signals.)* Add: *Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and other telecommunication purposes. The term includes, but is not limited to, radio and television transmission communication towers, microwave communication towers, common-carrier communication towers, cellular telephone communication towers alternative tower structures and the like. The term includes the structure and any support thereto, and any antenna that may be affixed to such structure. This term also applies to an antenna in the case where the antenna is affixed to a building or other structure that was not constructed primarily for the purpose of supporting an antenna.*

p. 13-2 Add *Section 13.01 C4 - 4. Communication Towers*

p. 16-20 Add *Section 16.30 COMMUNICATION TOWERS*

**A.** The following site and development requirements shall apply:

1. The lot shall be a minimum of three (3) acres in size, except in the case where the tower and/or antenna is attached to an existing structure or building.
2. The communication tower shall be located so that the distance from the base of the tower to all lot lines is at least equal to the height of the tower, measured from the surrounding ground surface, plus an additional twenty five (25) feet.
3. The base of the tower shall be fenced with a minimum six (6) foot chain link fence.

**B.** Special Performance Standards:

1. All structures, including accessory buildings, shall be located at least thirty (30) feet from a lot line and one hundred (100) feet from any single family dwelling.
2. All towers shall be of monopole construction, consisting of a single pole to support the antenna(s). Skeletal or lattice framework, and guy wires, are prohibited.
3. Towers shall be designed to withstand a uniform wind loading as prescribed by the County Building Code. The plans of the tower construction shall be certified by a registered structural engineer, including the antenna mount and structure.

4. Towers shall be located so that they do not interfere with reception in nearby residential areas.
5. Height of tower shall be less than two hundred (200) feet from grade.
6. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
7. Accessory structures shall not exceed six hundred (600) square feet in floor area.
8. There shall not be advertising of any kind intended to be visible from the ground or other structures.
9. Towers shall be constructed, maintained and operated in conformance with applicable state and federal laws, including laws promulgated by the FAA to assure safety in proximity to airports and landing strips.
10. The applicant shall submit a notarized statement stipulating that the applicant has been denied establishing an antenna on all existing towers in excess of one hundred (100) feet, including the identification of all communication tower owners contacted to meet this requirement. Further, the applicant shall submit a notarized statement stipulating that the proposed tower is specifically designed to accommodate additional antennas for use as a co-location site, and that the application shall permit co-location, under reasonable conditions. Failure to permit reasonable co-location shall be grounds for the removal of the tower or antenna at the owner's expense.

p 18-7 Section 18.12 C - Public utility structures *(delete)*.

### **Amendment 1998-01**

Add to definitions in Section 2.02:

**Public Facilities:** Land and associated structures and buildings used to carry out a governmental function(s) or provide a governmental service(s), such as a use or service owned or managed by a city, village, township, county state or public school boards and including commissions or other arms of such entities. Examples of such facilities include, but are not necessarily limited to parks, libraries, cemeteries, museums, police protection facilities and government offices. (Page 2-11)

**Administrative Building:** A building that houses governmental functions whose principal operations focus on the management of governmental activities and services and, by its location, does not provide a service specifically targeted toward immediately surrounding land uses but is characterized by being executive, administrative or judicial in character, such as, by example, offices of government officials; animal control facilities; offices of property description, taxation, assessment, planning and inspection activities; police protection and correction facilities and associated court and probation facilities. (Page 2-2).

### **Amendment 1998-02**

p. 16-21 Add Section 16.30 B11—Removal of Abandoned Towers

1. All abandoned or unused towers shall be removed within four months of the cessation of operations at the site unless a time extension has been approved by the Zoning Administrator. A copy of the relevant portions of a signed lease, which requires the applicant to remove the tower upon cessation of operations at the site, shall be submitted at the time of application together with a performance bond in an amount adequate to cover the cost of removal of such tower. In the event that a tower is not removed within four months of cessation of operations at the site, the tower may be removed by the township and the costs of removal assessed against the property.
2. Unused portions of towers above a manufactured connection shall be removed within four months of the time of antenna relocation. Replacement of portions of a tower previously removed requires the issuance of a new permit.

### **Amendment 1998-03**

p. 20-2, Section 20.05 Private Roads - B. Construction and Design Standards: ...standard of the Land Division Act... *(delete: Subdivision Control Act)*

B.1. Change easement of at least sixty-six (66) feet or the current Leelanau County Road Commissioner's designated right-of-way width for local residential roads, whichever is greater to easement of at least fifty (50) feet except that private roads providing access to no more than five (5) lots shall have a minimum right-of-way easement of at least forty (40) feet.

### **Amendment 1999-01**

p. 12-2. Amend Sec. 12.02 General Commercial District as follows: B-3. Delete assembling, remodeling, repairing, altering, finishing or refinishing its products or.

p. 12-3 Amend Sec. 12.02 B. Uses Permitted By Right as follows. Add **9. Accessory Uses and structures customarily incidental to and subordinate to the permitted principle use.**

### **Amendment 1999-02**

p. 5-1, Amend Section 5.04C: Notice of Hearing as follows: delete and has notified the Township Clerk of such notification, the Township Clerk. Delete Township Clerk (...shall give notice...) and replace with Planning Commission.

### **Amendment 1999-03**

p. 18-6, Amend Sec. 18.08 Accessory Uses, Building, and Structures:  
D. Lot Coverage delete

### **Amendment 1999-04**

p. 12-4 and 12-5 New C-3 District

#### **Section 12.03 C-3: Waterfront Commercial District**

**A. Intent: The Waterfront Commercial District is intended to provide opportunities for recreation and transportation based public and commercial facilities that are uniquely dependent upon adjacency to lake and/or river resources, or which uniquely benefit from adjacency to such resources. This district is intended to be established only where a parcel has frontage upon a water body and accommodate specific water-based needs of local residents, area tourists and business owners. Uses established in this District shall be planned and designed so as to not undermine the environmental resources and recreational value of such water sources, and assure the continued and unimpeded enjoyment of abutting properties by land owners.**

#### **B. Uses Permitted By Right**

**1. Marinas**

**2. Accessory uses and structures customarily incidental to and subordinate to the permitted principal use, including picnic and playground facilities, restrooms and public park facilities where such facilities are the principal use of the parcel.**

#### **C. Special Land Uses Permitted by Special Use Approval**

**1. Loading and unloading of industrial or commercial goods and passengers where such loading and unloading is the principal use of the waterfront frontage.**

#### **D. Site Development Requirements**

**The following minimum and maximum standards shall apply to all uses and structures in the Waterfront Commercial District unless otherwise modified by the provisions of Article 16, Standards for Special Land Uses; Article 18, General Conditions; or as varied pursuant to Article 4, Zoning Board of Appeals.**

**1. Minimum Lot Area: ten thousand (10,000) square feet**

**2. Minimum Lot Frontage and Lot Width: one hundred (100) feet**

**3. Yard and Setback Requirements:**

**a. Front yard: Twenty-five (25) feet**

**b. Side yards: Twenty-five (25) feet**

**c. Rear yard: Twenty-five (25) feet**

**4. Maximum Height: Thirty-five (35) feet**

**5. Maximum Floor Area Per Building used for Commercial Purposes: Six Thousand (6,000) square feet.**

**6. Maximum Lot Coverage: Twenty (20) per cent**

**7. Applicable provisions of Article 19: Nonconforming Uses; Article 10; Access Control and Private Roads; Article 22: Signs, Article 23: Landscaping and Screening; Article 24: Environmental**

Provisions, and other provisions of the Ordinance as may be applicable.

8. Additional Marina Standards: Marinas shall comply with the following standards and requirements. The Planning Commission may waive under site plan review proceedings one or more of the above regulations or portions thereof, if less than four (4) boats are to be docked.

a. Marinas shall meet all applicable standards and regulations of the Department of Natural Resources, Department of Environmental Quality, U.S. Army Corps of Engineers, and all other county, state and federal agencies having regulatory authority over the use of, or construction upon, the affected surface waters and bottomlands.

### **Amendment 1999-05**

p. 9-1 Revise Section 9.01 Establishment of Districts, to insert the following: C-3 Waterfront Commercial District.

### **Amendment 1999-06**

p. 9-5 Revise Section 9.10 Schedule of Regulations to include the C-3 District site development standards as delineated in amendment 99-4 above.

### **Amendment 1999-07**

Change the Zoning Map to show the Leland Harbor area as the new C-3 District.

### **Amendment 2001-01**

p. 12-3, Section 12.02 C-2; Add to B—Uses Permitted by Right: 10. Single Family Dwelling.

### **Amendment 2001-02**

p. 18-6, Section 18.08 Accessory Uses, Building, and Structures; Add to D. Lot Coverage: These regulations apply to all districts except A/C District and parcels over 3 acres in size in the Agriculture/Residential (A/R) District.

### **Amendment 2002-01**

Parcels 45-009-021-001-00 and 45-009-021-011-00 (97 acres) rezoned from Agricultural Conservation to Agriculture/Residential.

### **Amendment 2003-01**

Parcel 45-009-015-003-00 (approximately 11 acres) rezoned from Agricultural Conservation to Residential (R1A).

### **Amendment 2004-01**

Add to definitions in Section 2.02: Cottage Industry

**Cottage Industry:** An occupation or trade conducted either within residential structure or within a detached residential accessory structure, which is clearly incidental and secondary to the use of the lot, and dwelling for residential purposes. Cottage industries are regulated by Section 16.31. (page 2-4).

### **Amendment 2004-02**

p. 18-6, Section 18.08 Accessory Uses, Building, and Structures: Amend E to read in its entirety as follows:

- E. **Height:** Detached accessory buildings for other uses may be constructed to a height of twenty-five (25) feet in R1A, R1B, R2 and R3 zoning districts, and in all other districts the height of accessory buildings shall be permitted maximum height of structures in said district. This restriction shall not apply to agriculturally related accessory structures on parcels greater than twenty (20) acres in size, or accessory structures allowed by special land use approval. Walls and fences on residential lots shall not exceed a height of five (5) feet, except that a wall or fence placed within a front yard area shall not exceed a height of three (3) feet.

## Amendment 2004-03

p. 3-2 and 3-3, Section 3.03, Subsection B. **Application Fees** has been amended, and reads in its entirety as follows:

### **B. Application Fees:**

1. Fees for review of development proposals, inspections and the issuance of permits or certificates required under this Ordinance shall be deposited with the Township Treasurer in advance of processing any application or issuance of any permit. No application for approval for which a fee is requested will be processed until the fee is deposited with the Township Treasurer. The amount of such fees shall be established by the Township Board by resolution and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance. Such fees may include but are not limited to all costs associated with conducting a public hearing or inspection, including the newspaper notice, postage, photocopying, staff time, Planning Commission, Board and/or Zoning Board of Appeals time, mileage, and any costs associated with reviews by qualified professionals including professional planners and/or engineers.

### 2. FEES IN ESCROW FOR PROFESSIONAL REVIEWS

For any application for site plan approval, Special Use Permit, Planned Unit Development, variance, or other use or activity requiring a permit, or an appeal under this Ordinance, either the Planning Commission or Zoning Board of Appeals may require the deposit of fees above the basic zoning fees to be held in an escrow account to cover the actual costs of consultation with qualified professional planners, engineers, attorneys or other professionals. An escrow fee shall be required for the review or appeal of any project with more than twelve (12) dwelling units, or more than ten thousand (10,000) square feet of enclosed space, or which requires more than twenty (20) parking spaces. An escrow fee may be requested for any other project which may, in the discretion of the Planning Commission, or in the case of an appeal, the Zoning Board of Appeals 1) create an identifiable and potentially significant or negative impact on public infrastructure or services, adjacent properties, natural resources or 2) require the review and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals.

- a. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals contacted by the Planning Commission or Zoning Board of Appeals.
- b. The escrow fee shall be held in the applicant's name and shall be used solely to pay these additional costs.
- c. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal.
- d. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal.
- e. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal.
- f. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on appeal.

## **Amendment 2004-04**

p. 6-4 Section 6.04, subsection A: **Submittal and Distribution of Site Plans**, has been amended and reads in its entirety as follows:

### **Section 6.04 SITE PLAN REVIEW PROCEDURES**

**A. Submittal and Distribution of Site Plans:** At least fifteen (15) copies of the application and site plan shall be submitted to the Zoning Administrator. The Planning Commission Chair (or designated agent(s) and/or consultants) and Zoning Administrator shall review the application and site plans for completeness and if such application or plans are not complete according to Section 6.03(B), a written notice shall be provided identifying the inadequacies of the plans and any additional information required. Upon receipt of an adequately completed application and plans, the Zoning Administrator shall record the date of their receipt and transmit seven (7) copies thereof to the Planning Commission; one (1) copy to the Fire Department when necessary, one (1) copy to the Township Clerk, and one (1) copy to each of the following

1. County Road Commission.
2. County Health Department.
3. County Drain Commissioner.
4. Other agencies as may be relevant, including the Department of Natural Resources and the Natural Resources Conservation Service. The remaining copies shall be retained by the Zoning Administrator.

p.7-2 Section 7.02, subsection B: **Check for Completeness and Accuracy**, has been amended and reads in its entirety as follows:

**B. Check for Completeness and Accuracy:** Within ten (10) working days of the receipt of the submission of an application the Planning Commission Chair (or designated agent(s) and/or consultants) and the Zoning Administrator shall determine whether it is in proper form and contains required information for the Planning Commission to determine the degree of compliance with all applicable provisions of Article 16, Standards for Special Land Uses, or in the case of a planned unit development, Article 17, Standards for Planned Unit Developments.

## **Amendment 2004-05**

p.7-1 and 7-2, Section 7.02, subsection A: **Application Procedure**, has been amended and reads in its entirety as follows:

### **Application Procedure:**

Pre-application Conference: Before an application for a special land use is submitted, a pre-application conference may be held to discuss the applicant's objectives and how these may be achieved under the Ordinance. This conference shall be scheduled only upon request by the applicant. Participants in this conference will include the applicant, the site designer and Township representatives such as the Zoning Administrator, the Planning Commission chair (or designee) and Township consultants, as deemed necessary by the Planning Commission Chair. The applicant may prepare a conceptual rough sketch plan for this session, however, no engineered site plans or surveys will be permitted at the pre-application conference. If necessary a site visit may be scheduled at this conference. Concepts and statements presented at the pre-application conference shall not be legally binding on any party. In order for any proposal to be formally considered, the applicant shall submit an application based on the requirements of Section 7.02.A.2 below, after the pre-application conference.

p.7-2, Section 7.02, subsection A: amended to renumber the subsection "A. *Submission of Application*" to be subsection 2 of subsection A, with the content of the section to remain the same.

## **Amendment 2004-06**

P 7-3, Subsection 7.02, subsection D.1 add new subsections "c", "d", "e", to read in its entirety as follows:

- c. A purpose of the public hearing in this section shall be to receive input from the public relevant to the proposed project regarding how said project meets or does not meet the discretionary requirements of this Ordinance. The Planning Commission shall evaluate the results of the public hearing and may include references to the public comments in its findings, as deemed relevant.
- d. Speakers at a public hearing shall adhere to the procedures established for the hearing. Comments shall be addressed to the application under consideration and are proper and relevant consideration for the Planning Commission in reaching its decision.
- e. Where subsequent information submitted to the Planning Commission is materially and significantly different from information provided for comment at the first public hearing, the Planning Commission may allow additional public comment at open meetings and/or may, in its discretion, hold additional public hearings.

**Amendment 2004-07**

Section 12.01 subsection C and Section 12.02 subsection C: Add “Planned Unit Development” These regulations apply to the following districts: C-1 Village Commercial District, C-2 General Commercial District.

p. 17-1, Section 17.01, subsection B and subsection C, **Standards for Planned Unit Development**, is hereby amended and reads in its entirety as follows:

**B. Permitted Uses:** The following uses shall be permitted within a planned unit development:

- 1. Single family platted subdivision, consisting of single family dwellings or two family dwellings.
- 2. Condominium subdivisions, consisting of single family dwellings or two family dwellings.
- 3. Condominium Projects
- 4. Multifamily dwellings, provided no more than four (4) dwelling units are located within any single building.
- 5. Nonresidential uses as part of the residential component of the planned unit development, provided the applicant can demonstrate by a site plan and expert analysis, and the Planning Commission finds, in its discretion, that the nonresidential uses shall principally serve the residential component of the planned unit development project.

**C. Minimum Parcel Size and Lot Width:**

- 1. In the AC, AR, and R-1B Districts the minimum size of a parcel used for a planned unit development shall be ten (10) acres of contiguous land and have frontage of at least three hundred thirty (330) feet.
- 2. In the C-1 and C-2 Districts the minimum size of a parcel used for a planned unit development shall be of sufficient size to contain on the site both physically and aesthetically, not only the development proposed, but also any effects of such development that would ordinarily be apparent and different from the effects of permitted uses on the adjacent properties.

p. 17-3, Section 17.01, subsection H and subsection C **Standards for Planned Unit Development**, is hereby amended and reads in its entirety as follows:

3. Number of Dwelling Units:

- A. The total number of dwelling units permitted in a planned unit development in the AC District shall be based on the maximum allowable density of one (1) dwelling unit per four (4) acres, rounded down to the nearest full unit.
- B. The total number of dwelling units permitted in a planned unit development in the AR District shall be based on the allowable density of one (1) dwelling unit three (3) per acres, rounded down to the nearest full unit.
- C. The total number of dwelling units permitted in the R-1B District shall be based on the maximum allowable density of one and one-half (1.5) dwelling units per acre, rounded down to the nearest full unit.

- D. The total number of dwelling units permitted in a planned unit development in the C-1 or C-2 Districts shall be based on the compliance with applicable building code requirements, the provisions of adequate septic or sewer disposal and the provision of adequate on-site parking standards, as determined by the Planning Commission based on the applicable (or similar use) standard(s) of Section 21.03.

## **Amendment 2004-08**

p. 16-1 and 16-2, Section 16.01, subsection A: **General Standards Applicable To All Special Land Uses**, is hereby amended and reads in its entirety as follows:

### **Section 16.01 GENERAL STANDARDS APPLICABLE TO ALL SPECIAL LAND USES**

A. Approval of a special land use shall be based on the determination that the proposal, will comply with all applicable requirements of this Ordinance, including site plan review criteria set forth in Article 6, and applicable supplemental standards for specific use set forth in this Article. The land use or activity shall be consistent with and shall comply with the following standards:

1. The general principles and objectives of the Comprehensive Development Plan of the Township are proper and relevant consideration by the Planning Commission in reaching its decision.
2. The proposal is consistent with and in accordance with the general objectives, intent and purposes of this Ordinance.
3. The proposal is designed, constructed, operated and maintained so as to be consistent, compatible and appropriate in appearance with the existing adjacent land uses, existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. In determining whether this requirement has been met, consideration shall be given to:

a. Compatibility with Adjacent Land Uses

The proposed special approval shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design of the proposed special approval shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:

- 1) The location and nature of the use will not be in conflict with any Use Permitted by Right of the district.
- 2) The location and screening of vehicular circulation and parking areas in relation to surrounding development.
- 3) The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
- 4) The hours of operation of the proposed use. Approval of a special approval request may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
- 5) The design and placement of the structures and infrastructure for the proposed use in relation to surrounding uses.
- 6) The relation of the character, density and open space of the surrounding area to density and open space of the proposed project, considering the overall site design, including landscaping and other proposed site amenities.

b. Public Services

The proposed special approval shall be located so as to be adequately served by essential public facilities and services, such as highways, streets, emergency services, drainage systems, water and sewage facilities, and schools, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the special approval is established.

c. Impact of Traffic

*The location of the proposed special approval within the zoning district shall minimize the impact of the traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:*

- 1) Proximity and access to major thoroughfares.

- 2) Estimated traffic generated by the proposed use.
- 3) Proximity and relation to intersections.
- 4) Adequacy of driver sight distances.
- 5) Location of and access to off-street parking.
- 6) Required vehicular turning movements.
- 7) Provisions for pedestrian traffic.

d. Detrimental Effects

The proposed special approval shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental or hazardous to persons or property or to public health, safety, and welfare. In determining whether this requirement has been met consideration shall be given to the level of traffic noise, vibration, smoke, fumes odors, dust, glare and light.

e. Economic Well-Being of the Community

***The proposed special approval shall not be detrimental to the economic well-being of those who will use the land or residents, businesses, landowners, and the community as a whole.***

f. Compatibility with Natural Environment

The proposed special approval shall be compatible with the natural environment and conserve natural resources.

4. Meet the site plan review requirements of Article 6.
5. Conform with all applicable county, state and federal requirements for that use.

The Planning Commission may deny, approve, or approve with conditions, requests for special approval, based on the standards above.

## **Amendment 2004-09**

p. 17-3 and 17-4, Section 17.01, subsection H.3 **Lots and Dwelling Units**, is hereby amended and reads in its entirety as follows:

3. a. Number of Dwelling Units:

- (1) The total number of dwelling units permitted in a planned unit development in the AC District shall be based on the maximum allowable density of one (1) dwelling unit per four (4) acres, rounded down to the nearest full unit.
- (2) The total number of dwelling units permitted in a planned unit development in the AR District shall be based on the allowable density of one (1) dwelling unit three (3) per acres, rounded down to the nearest full unit.
- (3) The total number of dwelling units permitted in the R-1B District shall be based on the maximum allowable density of one and one-half (1.5) dwelling units per acre, rounded down to the nearest full unit.
- (4) The total number of dwelling units permitted in a planned unit development in the C-1 or C-2 Districts shall be based on the compliance with applicable building code requirements, the provisions of adequate septic or sewer disposal and the provision of adequate on-site parking standards, as determined by the Planning Commission based on the applicable (or similar use) standard(s) of Section 21.03.

Summary of Base Residential Densities for PUDs

District	AC	AR	R-1B	C-1	C-2
Base Density d.u.*/acre	0.25 d.u./ac	0.33 d.u./ac	1.5 d.u./ac	Site determined	Site determined

\*d.u. = dwelling unit

b. Residential Density Bonus

Densities in excess of those specified by district in subsection H.3.a of Section 17.01 may be granted at the discretion of the Planning Commission, based on meeting Township’s objectives of increasing the amount of dedicated open space for the purposes such as preserving the opportunities for the continuation of agricultural activities, preserving rural character through the preservation of existing woodlands, views from roads and lakes and/or providing at least ten percent (10%) affordable housing units. The planning commission shall have full discretion in determining the amount of bonus to grant within the guidelines of the maximum allowable bonuses provided in the chart below. In determining the incentive bonus amount, the Planning Commission may take into account the magnitude and quantity of proposals for open space presented.

District	AC	AR	R-1B	C-1	C-2
Required Open Space	50%	40%	20%	Site determined	Site determined
Bonus Units/ Increased Dedicated Open Space	+10% d.u.*: 55% Open Space +20% d.u. max: 60% Open Space	+10% d.u.: 50% Open Space +20% d.u. max: 60% Open Space	+5% d.u.: 35% Open Space	NA	NA
Bonus for location in or near Leland or Lake Leelanau	+50% within 0.25 miles of C-2 Zoning	+50% within 0.25 miles of C-2 Zoning	+50% within 0.25 miles of C-2 Zoning	NA	NA
Bonus for Affordable** Housing	+10% d.u.--if at least 10% of units are affordable	+10% d.u.-- if at least 10% of the units are affordable	+5% du if at least 10% of the units are affordable	NA	NA
Maximum Combined Bonus	+80% d.u.	+80% d.u.	+60% d.u.	NA	NA

\*d.u. = dwelling unit

\*\*Affordable: based on affordable to persons earning 80% of area median income (AMI) based on family size, as updated annually by HUD for each county.

### Amendment 2006-03

pp. 3-4 and 3-5, Section 3.05, **Penalties and Remedies**, is hereby amended and reads in its entirety as follows:

#### 3.05 Penalties

- A. Any person, partnership, limited liability company, corporation, or association who creates or maintains a nuisance per se as defined in Section 3.04 A of this Ordinance or who violates or fails to comply with any provision of the Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a civil municipal infraction and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of the Ordinance or prohibit the Township from seeking additional and/or equitable relief from any court to ensure compliance with the provisions of this ordinance.
- B. The Township Zoning Administrator and the Township Supervisor are hereby designated as the authorized Township officials to issue municipal civil infraction citations directing alleged violations of the Ordinance to appear in court.
- C. In addition to enforcing this Ordinance as a municipal civil infraction, the Township may initiate proceedings in circuit court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

### Amendment 2006-04

p. 6-3, Section 6.03, subsection B, **Site Plan**, is hereby amended to add a new subsection 20, which reads in its entirety as follows:

- 20. The Planning Commission may waive, in whole or in part, or modify any of the above site plan requirements (including the implied requirements embedded in the introductory paragraph), with the exception of those items listed below, where at least one of the following findings are documented, including the rationale for each finding:

#### Findings Requirements

- 1. The requirement is not applicable to the proposed development.
- 2. The data will serve no useful purpose and/or no good public purpose will be achieved by requiring strict conformance with the listed requirement.
- 3. Circumstances have not significantly changed on the property since the last time detailed information on the site was submitted.
- 4. Another reasonable circumstance or condition exists.

#### 6.03(B) Sections (or portions thereof) which shall **not** be modified or waived

- # 1 Only the survey portion may be modified or waived.
- # 5 All may be modified or waived *except* for a basic project description.
- # 6
- #16
- #17
- #19

#### Notes:

- 1. Planning Commission Approval of a request for Waiver and/or modification of data required from the applicant in no way releases the applicant from the requirements contained in this Ordinance.
- 2. For each request for modification or waiver of data requirements, the applicant shall provide to the Planning Commission, in writing, its rationale using at least one of the four findings requirements listed above.

3. Prior to submission of an application to the Zoning Administrator, the applicant shall provide a written preliminary project description to the Planning Commission 7 days in advance of a scheduled meeting which includes applicant's rationale for requested data modifications or waivers. Applicant shall attend the meeting at which the request is to be considered. The Planning Commission may make a site visit.
4. The Planning Commission will provide the applicant and the Zoning Administrator a list of the approved data requirements which have been waived or modified, prior to submission of the application.
5. The Planning Commission is under no obligation to waive or modify any data requirement.

**Amendment 2006-05**

1. p. 9-4 , Section 9.10, **Schedule of Regulations**, is amended to add the Harbor Overlay District of the C-3 Waterfront Commercial District, to require the following minimum yard setback (in feet):
 

Front yard:	5
Side yard:	5
Rear yard:	5

*p. 12-5, Section 12.03, **Waterfront Commercial District**, is amended to add Section 12.03.1, to read in its entirety as follows:*

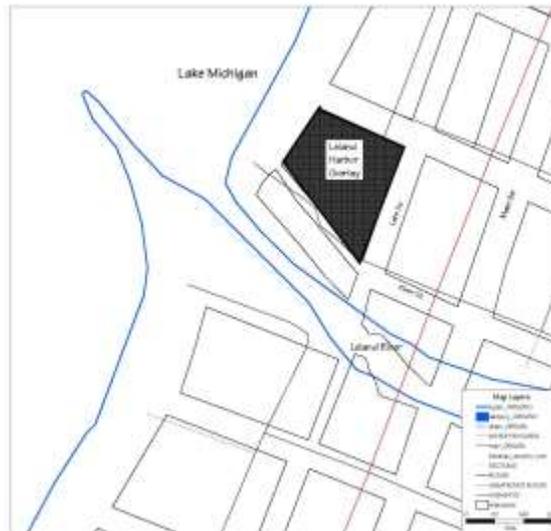
**12.03.1 Leland Harbor Overlay District**

**12.03.1 A Intent**

Due to the unique characteristics of the Leland Township Harbor property located in Leland, an Overlay District is established.

**12.03.1 B Definition of Overlay District**

Only the property identified on the map below will be included in the Leland Harbor Overlay District.



### 12.03.1 C Regulations

Property within the overlay district shall comply with all dimensional and use regulations for the underlying C-3 Waterfront Commercial district, except as otherwise specified in this section.

#### Yard and Setback Requirements:

- a. Front yard: Five (5) feet
- b. Side yards: Five (5) feet
- c. Rear yard: Five (5) feet

### Amendment 07-01

To amend various sections of the Leland Township Zoning Ordinance to bring it into compliance with Michigan Zoning Enabling Act, PA 110 of 2006:

p. 3-6, Section 3—add new Section 3.07, which reads in its entirety as follows:

#### **Section 3.07 PUBLIC NOTICE**

Applications submitted to the township under this zoning ordinance which require public notice and hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and the other provisions of this section with regard to public notification.

A. Responsibility: When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, and, unless otherwise specified in this Ordinance, the Township Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Leland Township and mailed or delivered as provided in this Section.

B. Content: All mail, personal and newspaper notices for public hearings shall:

1. Describe nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
2. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
3. When and Where the request will be considered: Indicate the date, time and place of the public hearing(s).
4. Places and Times to View Request Documents: Indicate the time and location at which documents related to the request, including proposed text and any maps of the Zoning Ordinance, may be examined.
5. Written Comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.

C. Personal and Mailed Notice:

1. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
  - a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
  - b. To all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, and to the occupants of all structures within 300 feet of the property, regardless of whether the property

or occupant is located within the boundaries of Leland Township, except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property. If the name of the occupant is not known, the term "occupant" may be used in making the notification.

- c. Any electric, gas and pipeline public utility, each telecommunication service provider, each railroad operating within the district or zone affected, and airport manager of each airport, that registers its name and mailing address with the Leland Township Clerk for the purpose of receiving notice pursuant to Section 3.08, Registration to Receive Notice by Mail.
2. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, posted paid. If another personal delivery service is to be used, notice shall be deemed effectuated upon proper execution of process of that service. An affidavit of all mailings including a list of property owners and registrants to whom notice was provided, and type of delivery service, shall be maintained.
- D. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, or this Ordinance where applicable, notice of a public hearing shall be provided not less than fifteen (15) days before the date the application will be considered for approval.

p. 3-8 Section 3—Add new Section 3.08, which reads in its entirety as follows:

**Section 3.08 REGISTRATION TO RECEIVE NOTICE BY MAIL**

- A. General: Any public utility company, railroad or any other person may register with the Leland Township Clerk pursuant to Section 3.07.C.1(c) to receive written notice of any or all applications submitted under this zoning ordinance which require a public hearing. Or requests for written notice of any or all applications for development approval within the zoning district in which the requester is located may also register pursuant to Section 3.07.C.1(c). The Leland Township Clerk shall be responsible for providing this notification. Fees may be charged for the provision of this notice, as established by the Township Board.

p. 4-1 Section 4.02, subsection B—amended to read in its entirety as follows:

- B. **Appointment of Members**: The Township Board may appoint not more than two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. No alternate member may be either a member of the Township Board or the Planning Commission. The alternate members may be called as needed, on a rotating basis, to sit as regular members of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more consecutive meetings of the Zoning Board of Appeals. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member shall serve on a case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

p. 4-3 Section 4.02, Appeal Procedures, subsection C—amended to read in its entirety as follows:

- C. **Terms of Office**: Members shall be appointed for three (3) year terms except in the case of Planning Commission and Township Board members, whose terms shall be limited to the time they are members of the Planning Commission or Township Board. A successor shall be appointed not more than one (1) month after the term of the preceding member has been expired. Vacancies for unexpired terms shall be filled for

the remainder of the term. Members may be reappointed. Members of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.

p. 4-3 Section 4.02, Zoning Board of Appeals, subsection D—amended to read in its entirety as follows:

**D. Conflict of Interest:** A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure to do so shall constitute malfeasance in office.

p. 4-3 Section 4.06, Appeal Procedures, subsection C—amended to read in its entirety as follows:

**C. Scheduling and Notice of Hearing:** Upon receipt of a Notice of Appeal, the chairperson of the Zoning Board of Appeals shall fix a reasonable time and date for a public hearing. Notice of the hearing shall be given as required in Article III, Section 3.07. If the hearing, in the opinion of the Zoning Administrator and chairperson of the Zoning Board of Appeals, concerns matters of general applicability in the Township and does not concern only individual lots or parcels, such notice shall also be given in a newspaper of general circulation in the Township.

p. 4-4 Section 4.06, Appeal Procedures, subsection D—amended to read in its entirety as follows:

**D. Hearing:** At the hearing, any party may appear in person or by agent or attorney. The Board may recess such hearing from time to time, and, if the hearing is recessed for less than 36 hours and the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required. If the hearing is recessed for more than 36 hours a public notice stating the time and place of the hearing shall be posted at least 18 hours before the meeting.

p. 4-4 Section 4.06, Appeal Procedures, subsection E, first paragraph—amended to read in its entirety as follows:

**E. Decision:** The Zoning Board of Appeals shall render its decision within sixty (60) days of filing of a Notice of Appeal, or application for Ordinance interpretation or variance, unless in the opinion of Zoning Board of Appeals, an extension of time is necessary to review information pertinent to making the decision. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant on any matter upon which they are required to pass under or to effect any variation in this Ordinance. Any decision of the Zoning Board of Appeals shall not become final until the expiration of eight (8) days from the date of entry of such order, unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.

p. 4-4 Section 4.06, Appeal Procedures, subsection E.2—amended to read in its entirety as follows:

2. Conditions: In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance (*See Section 18.14*). Violations of such conditions and safeguards, if made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the permit.

p. 4-5 Section 4.08, Review by Circuit Court, subsection A—amended to read in its entirety as follows:

**A. Circuit Court Review:** The decision of the Zoning Board of Appeals shall be final. However, any party aggrieved by an order, determination or decision of the Zoning Board of Appeals may obtain a review thereof both on the facts and the law, in the Circuit Court; provided that application is made to the Court within thirty (30) days after the delivery of a final decision.

p. 5-1 Section 5.04—Procedures, subsection C—amended to read in its entirety as follows:

**C. Notice of Hearing:**

After the Zoning Administrator has transmitted the amendment application to the Planning Commission, the Planning Commission shall establish a date for a public hearing on the application which will be conducted by the Planning Commission within sixty (60) days of the date of application receipt. The Planning Commission shall arrange for notice of the public hearing as provided in Section 3.07.

p. 7-2 Section 7.02—Procedures, subsection D—amended to read in its entirety as follows:

**D. Planning Commission Action:**

1. Application Review and Public Hearing:

- a. The Planning Commission shall review the site plan and special land use application at its next scheduled meeting following receipt from the Township Zoning Administrator. After adequate study and review, incorporating information provided by reviewing agencies listed above in Section 7.02(C), the Planning Commission shall provide notice of a public hearing pursuant to Section 3.07.
- b. A purpose of the public hearing in this section shall be to receive input from the public relevant to the proposed project regarding how said project meets or does not meet the discretionary requirements of this Ordinance. The Planning Commission shall evaluate the results of the public hearing and may include references to the public comments in its findings, as deemed relevant.
- c. Speakers at a public hearing shall adhere to the procedures established for the hearing. Comments shall be addressed to the application under consideration and are proper and relevant consideration for the Planning Commission in reaching its decision.
- d. Where subsequent information submitted to the Planning Commission is materially and significantly different from information provided for comment at the first public hearing, the Planning Commission may allow additional public comment at open meetings and/or may, in its discretion, hold additional public hearings.

**Amendment 2007-02**

p. 18-12 Section 18.23—Amend the first paragraph to read in its entirety as follows (subsections A through G to remain unaltered):

**Section 18.23 COMMON USE WATERFRONT**

When more than two (2) families share a waterfront lot, such common use and/or ownership of the waterfront lot shall be governed by this Section. The provision herein shall apply regardless of whether access from the abutting lot to the waterfront is gained by easement, common or joint fee ownership, single fee ownership, lease, license, site condominium unit, stock, or membership in a corporation, or any other means. All such common use waterfront lots must comply with the following regulations and standards:

**Amendment 2007-03**

p. 2-7 Section 2.02—Add the following definition:

**Impervious Surface:** Any surface or structure incapable or highly resistant to penetration by water including, but not limited to, roofs of any type, concrete, asphalt or bituminous paving, compacted gravel, flagstone or brick patios, and driveways.

p. 11-5 Section 11.04C—Add the following item to the list: 8. Planned Unit Development.

p. 17-1 Section 17.01B—Amended to read as follows:

B. **Permitted Uses:** Uses permitted in the applicable district and/or any of the following uses may be allowed in combination:

p. 17-1 Section 17.01B.5—Amended to read in its entirety as follows:

5. Nonresidential subordinate uses (an integral part of the planned unit development) in the AC, AR, R-1B or R-2 districts, shall be permitted provided:
  - a. the applicant can demonstrate subordinate usage by a site plan and explanation.
  - b. the Planning Commission finds, that the nonresidential uses as part of the residential component of the planned unit development in the AC, AR or R-1B district, shall principally serve the residential component of the planned unit development project as demonstrated by applicant with the site plan and expert analysis.
  - c. the Planning Commission finds that the nonresidential uses are subordinate to the residential component of the planned unit development project when located in the R-2 district, and are compatible with the character of the surrounding area, regardless of whom the non-residential uses principally serve.

Unless the Township establishes otherwise by its findings, historically non-residential uses (in place for more than 40 years) shall be presumed to be compatible with the surrounding area, subject to the other requirements for accessory uses defined in this section.

p. 17-1 Section 17.01C.3—Amended to read as follows:

3. In the R-2 district and/or any PUD which incorporates in part a portion of land zoned R-2, shall be a minimum of two (2) acres and shall not exceed four (4) acres in size.

p. 17-2 Section 17.01E.2.a—Amended to read as follows:

- 2.a The total area of dedicated open space (as defined by this ordinance) shall equal at least fifty (50) percent of a parcel located in the AC District, at least forty (40) percent of a parcel located in the A-R District, at least twenty (20) percent of a parcel located in the R-1B District. In the C-1, C-2 and R-2 Districts the total amount of dedicated open space shall be site-determined, based on environmental features, lot size and neighborhood character. Dedicated open space may include flood plain areas and/or may include perimeter buffer areas, but required dedicated open space shall not include required yard setback areas, roads, parking spaces, public rights-of-way, and year round submerged lands.

p. 17-4 Section 17.01H.3.a.(4)—Amended to read as follows:

- (4) The total number of dwelling units permitted in a planned unit development in the C-1, C-2 or R-2 Districts shall be based on the compliance with applicable building code requirements, the provisions of adequate septic or sewer disposal and the provision of adequate on site parking standards, as determined by the Planning Commission based on the applicable (or similar use) standard(s) of Section 21.03. Additionally in the R-2 District, a maximum of seventy (70) percent of the total PUD project area may be covered with buildings and impervious surfaces, and at least 51% of the usable enclosed square footage shall be devoted to housing or lodging uses.

p. 17-5 Section 17.01H.4, H.5, H.6 and H.7 are amended to read as follows:

4. Yard and Setback Requirements – in AC or AR Districts
  - a. Lot Front Yard: Twenty-five (25) feet.
  - b. Lot Side Yard: None if shared wall construction is used, ten (10) feet otherwise.
  - c. Lot Rear Yard: Twenty (20) feet.
  - d. A minimum fifty (50) feet buffer area along the perimeter of the PUD project shall be required.
5. Yard and Setback Requirements – in C-1, C-2, R1B or R-2 Districts
  - a. PUD project perimeter setback shall be equal to applicable setback of the underlying zoning district, unless reduced by the Planning Commission based on the following criteria:
    - (1) Use of the adjacent property

- (2) Architectural design and character of the adjacent property
- (3) Location of structure and/or applicable setbacks on the adjacent property.
- (4) Location along a public street or road.
- b. Building spacing: Emergency vehicle access shall be approved by the Leland Township Fire and Rescue Department.
6. Maximum Building Height – Two and one half (2½) stories but not to exceed thirty-five (35) feet.
7. Building design – in R-2 District – The architectural design of the buildings, including style, size, mass, scale and character shall be reviewed by the Planning Commission for compatibility with the surrounding area.

p. 17-6 Article 17—Amended to add Section 17.03, as follows:

**Section 17.03 PARKING REQUIREMENTS FOR PUDS IN C-1, C-2, R-1B, AND R-2**

All on-site parking areas shall be located in the side or rear yards. The base number of parking spaces shall be calculated based on the standards in Article 21, however the Planning Commission may grant a reduction in the required number and/or location of parking spaces based on the mix of uses and whether the peak times for different uses will significantly overlap, and whether additional parking is available off-site. The number of parking spaces shall not be reduced to less than one space per dwelling unit. Off-street parking that can be easily viewed from roads shall be screened with landscaping, unless specifically waived by the Planning Commission. Shared parking agreements are encouraged.

**Amendment 2007-04**

Amend zoning map as follows: Rezone from Agricultural Conservation to R1A Medium Density Lakeshore Residential, the northern lake frontage of Leland Township Parcel # 45-009-126-012-00, located along N. Leland Woods Road, west of Birchwood Shores, Leland Township, Leelanau County, MI, Section 26 T31N R12W.

**Amendment 2009-01**

Amend Section 19.02 (page 19-1) as follows:

**Section 19.02 NONCONFORMING LOTS**

In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record recorded with the Register of Deeds at or before the effective date of MCL 560.101 et seq., the Land Division Act, PA 288 of 1967, as amended and effective March 31, 1997. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions, setbacks and other requirements not involving area or width, or both, of the lot, shall conform to the regulations for the district in which such lot is located, unless a yard requirement variance is obtained through approval of the Zoning Board of Appeals.

**Amendment 2009-02**

Amend Article 12 as follows:

- Page 12-1, Section 12.01 (C-1: Village Commercial District), subsection B (Uses Permitted by Right): Add item 7. Standard Restaurants
- Page 12-1, Section 12.01 (C-1: Village Commercial District), subsection C (Special Land Uses Permitted by Special Use Approval): Amend item 3 as follows: Clubs and other establishments which provide food or drink for consumption by persons seated within a building that is not part of a drive-in, and may also provide dancing and entertainment.
- Page 12-3, Section 12.02 (C-2: General Commercial District), subsection B (Uses Permitted by Right): Add item 11. Standard Restaurants
- Page 12-3, Section 12.02 (C-2: General Commercial District), subsection C (Special Land Uses Permitted by Special Approval): Amend item 4 as follows: Clubs and other establishments which provide food or drink for consumption by persons seated within a building that is not part of a drive-in, and may also provide dancing and entertainment.

## Amendment 2009-03

Amend Article 12 to add Section 12.04 as follows:

### Section 12.04 C-4: Fishtown Historic District

#### A. Intent

The Fishtown Historic District is intended to preserve the historical integrity of the Leland's Fishtown area and insure that it continues as a publicly accessible and authentic connection to local and regional history, Great Lakes commercial fishing, and maritime traditions and experiences. This district is designed to accommodate historic preservation and restoration, public education, waterfront access, commercial fishing, public angling, charter boat operations and commercial retail and service operations. These uses are seasonal and address the needs of local, regional and tourist populations and are generally compatible with the intended character of the Township's surrounding Village Commercial District. These uses encourage and benefit from comparatively high levels of vehicular and pedestrian traffic.



Existing Conditions

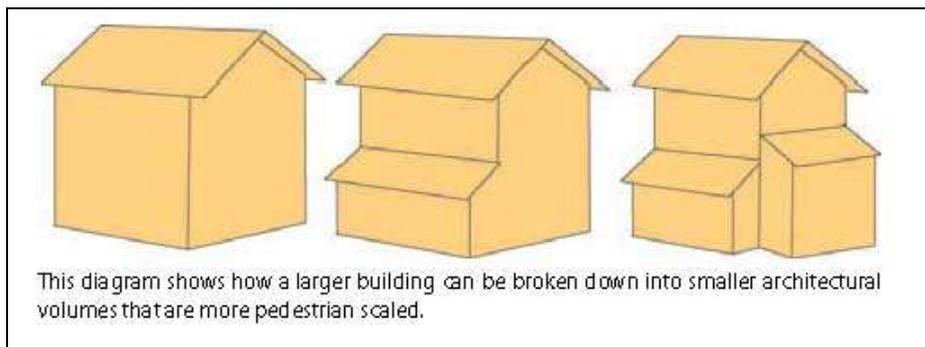
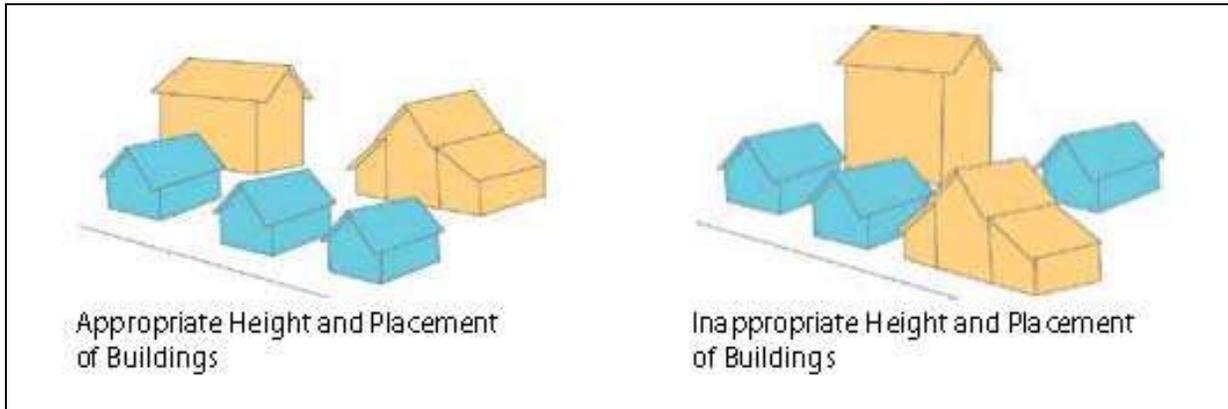
Based on the extensive efforts by the Fishtown Preservation Society, to protect and preserve the historic character of the Fishtown area through regulations and guidelines which are generally more restrictive than the regulations for other Leland Township Zoning Districts, the Leland Township and Fishtown Preservation Society cooperatively developed the Fishtown Historic District zoning language. The Fishtown Historic District is intended to implement, in part, the Leland Village Mixed-Use portion of the Leland Township Master Plan.

The Fishtown Historic District is designed to provide flexibility for restoration, reconstruction, building relocation and/or limited development provided such changes are made within the framework layout in the Fishtown Site Study, Design and Master Plan, (Jan 2009). Internal changes within the Fishtown Historic District, consistent with the Fishtown Site Study, Design and Master Plan (Jan. 2009) and the regulations set forth in this district shall be permitted with administrative review and approval by the Leland Township Zoning Administrator.

Any changes which are beyond the scope of the Fishtown Site Study, Design and Master Plan (Jan. 2009) or inconsistent with the guidelines and recommendations of the area Master Plan, as determined by the

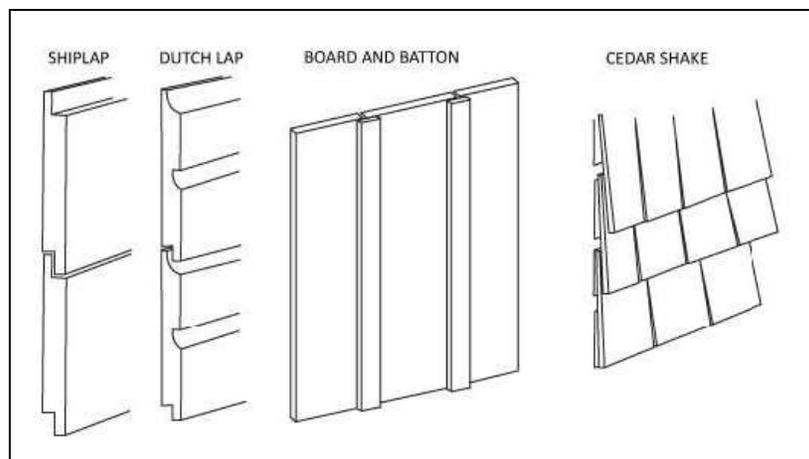


buildings on the site. This can be achieved by constructing a new structure of compatible scale, height, mass, placement, and materials as those currently existing on the site.



### 3. Building Exterior Materials and Windows

Any renovations shall to the greatest extent possible use materials of the same dimension and type or a visually similar non-flammable alternative. Any new structures shall use an exterior material and configuration consistent with the other structures.



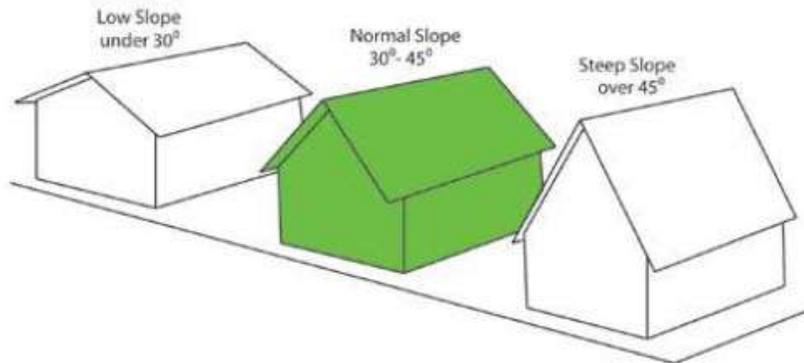
The majority of the original windows are single-paned, 6-light, fixed sash windows. Due to the eclectic nature of the window usage throughout the site, wooden framed windows with 6-light glazing of the same dimensions as those present are the most appropriate replacement. Other acceptable replacements are any of the original fixed multi-light window configurations, as specified in the Fishtown Site Study, Design and Master Plan (Jan. 2009) and in keeping with current or historic opening dimensions. Windows should not be replaced with vinyl, steel, or large format glazing systems (storefront, show windows), and those already on the site should be replaced with more historically appropriate windows.

4. Spacing Between Buildings

Spacing between buildings shall be a minimum of 10' for any proposed new building, building to be relocated or reconstructed, unless other recommendations by the Fire Chief and EMS are made to reduce the fire risks and improve emergency response access in Fishtown and such recommendations are acceptable to the Township.

5. Roof Pitch and Roofing Materials

Any renovations and/or new structures shall have roof configurations consistent with the existing building or compatible with the surrounding structures.



The typical roofing material is individual or three-tab asphalt shingle in a variety of colors, which include green, dark/light grey, and red. Based on the existing use of these materials and the validation of their use through the historic Erhardt Peters photo collection, similar materials should be used for repair and replacement. These may include standard individual or three-tab asphalt shingles as well as the more decorative hexagon pattern seen in historic photos. In addition, cedar shake and asphalt-roll roofing has been used throughout the site's history. Asphalt-roll roofing should only be used as a temporary repair method, and those areas that are currently roofed with asphalt-roll roofing should be replaced with a roofing material listed above when further repairs are pursued.

6. Utilities

Newly located utility lines shall be located below grade. Existing lines should be inspected, idle overhead lines removed and active lines upgraded as necessary in order to comply with current codes, such replacement lines shall not be required to be located below grade. Any changes in the utility infrastructure shall be subject to review and approval by the Township Zoning Administrator, and subject to all relevant county and state permits.

7. Site Drainage

Any new buildings or relocated buildings or reconstructed areas shall be subject to review by the Drain Commissioner.

8. Pedestrian Circulation

To the greatest extent possible, the pedestrian circulation systems shall be isolated from the vehicular circulation system.

9. Signage

Within the district, all internally directed signs shall be governed by the Fishtown Preservation Society, with annual review by the Zoning Administrator. Shop signs shall be consistent with the acceptable existing mix eclectic shop signs identified in the Fishtown Site Study, Design and Master Plan (Jan. 2009). The appropriateness of a sign is not determined necessarily by the material it is made from, but instead by the method and location of placement, the size and the proportion of the sign as it relates to the face of the building it is placed on.

Educational/Interpretative signage shall be allowed at the discretion of the Fishtown Preservation Society.

One freestanding sign, directed externally such as an entrance sign, shall be permitted subject to review and approval by the Township Zoning Administrator, provided the size does not exceed 32 square feet. Such sign shall not: be internally illuminated; and/or have any visible moving, revolving or flashing components.



Acceptable Shop Signage

**E. Additional Standards**

1. Lighting

Small, glass-encased “porch lights” are the most common site lighting in Fishtown. They are simple sockets with glass covers, similar to those often found in industrial workplaces and called vapor-proof incandescent fixtures. These lighting fixtures are a vernacular approach to site lighting and should be maintained. There are also contemporary security floodlights and mercury-vapor lamps throughout the site. The floodlights are not in keeping with the character of the site and should be removed, if possible. If security lighting is deemed necessary, less conspicuous designs should be considered. Additional site lighting could also be added where necessary. The design should respect the historic integrity of the site.

Signs, if lit shall be externally illuminated, with fixtures fully shielded and directed downward and only onto sign face.

2. Right-of-Way

Use of the road right-of-way is subject to review and approval by the Leelanau County Road Commission.

3. Paving Materials

Paving materials consist of bituminous paving over the service ramp and pea gravel over the site. The site has a variety of walkable surfaces, including limited amounts of poured concrete, bituminous asphalt, wooden dock, and loose pea stone gravel. The majority of the walking areas of the site are covered in pea stone.

While the pea stone is visually appealing, it creates walking difficulty for visitors with physical disabilities as well as for people with small children in strollers. Similarly, the pea stone shifts as it is walked on and can create transitional problems when next to solid surfaces like door thresholds. As the site is redeveloped, a surface that improves accessibility while maintaining an informal visual character should be considered. A number of alternative

paving types exist including crushed limestone, natural sand and gravel aggregate mixes with a binder agent, and crushed iron slag. Prior to selecting a solution for the long term, we suggest working with local materials providers and constructing a sample paving area to test the alternatives.

4. Docks

Broadside docks, located within the current footprint, shall be allowed along the River and one additional fishing dock, as shown in the Fishtown Site Study, Design and Master Plan (Jan. 2009), shall be allowed subject to review and approval by the Township Zoning Administrator.

5. Off-Street Parking and Trash Storage

Due to the historic nature of the area, no on-site parking is required.

Trash storage areas for allowed uses shall be screened by means of a fence, wall or vegetative screen min. 4' ht; or located entirely within an enclosed structure.

6. Nonconforming Uses and Structures

Nonconforming Uses and/or Structures are those which were lawful at the time of establishment, but would be prohibited, regulated or restricted under the terms of the Leland Township Zoning Ordinance. It is the intent to permit legal nonconforming uses and/or structures to continue until they are removed. Any nonconforming structure which is damaged by fire or act of nature, shall be allowed to be reconstructed either on the original building footprint and within the original spatial envelope, provided the structure is entirely within the Fishtown Historic District without encroachments or has a written easement for any encroachment, and/or is located in accordance with the Fishtown Site Study, Design and Master Plan (Jan. 2009), subject to review and approval of the Township Zoning Administrator. The expansion of a nonconforming use or structure shall be subject to the provisions of Article 19 Nonconforming Uses of Land and Structures.

**Amendment 2013-01**

Amend Article 2, Section 2.02, definition of Agricultural Labor Housing, as follows:

**Agricultural Labor Housing:** A parcel and all tents, vehicles, buildings and other structures pertaining thereto which is established, occupied or used as living quarters and licensed under the Michigan Department of Agriculture and Rural Development.

**Amendment 2013-02**

Amend Article 2, Section 2.02, definitions of Apartment, accessory, and Dwelling, accessory, as follows:

**Apartment, accessory:** See Dwelling, accessory

**Dwelling, accessory:** A dwelling unit accessory to a single-family residence, located either in the principal residential structure or an accessory building, such as a garage. An accessory dwelling commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

Amend Article 18 to add a new Section 18.26, as follows:

**SECTION 18.26 ACCESSORY DWELLING**

One (1) accessory dwelling unit shall be allowed as a use by right in any zoning district in which a single-family dwelling is permitted as a use by right. In all such districts and as a condition of approval for accessory dwelling, one of the dwellings must be owner-occupied, except if located in the Agricultural Conservation District (AC).

### Amendment 2013-03

Amend Article 2, Section 2.02, definition of Front Yard, as follows:

- a. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building.

Amend Article 9, Section 9.10, Schedule of Regulations, with respect to minimum yard setbacks for side yard and rear yard in the R-2 Medium Density Village Residential Zoning District as follows:

Minimum Yard Setbacks (in feet)	
Side Yard	Rear Yard
5–min one side/ 15 –combined (s)	10

Amend Article 9, Section 9.10, to repeal footnotes h and i to the Schedule of Regulations and remove associated notations; the footnote letters will be noted “*reserved for future use.*”

Amend Article 9, Section 9.10, to add footnote s to the Schedule of Regulations as follows:

- s. On a corner lot, the applicant shall designate to the Zoning Administrator, on an approved plot plan, which road frontage shall be the front yard; and the other road frontage shall be designated a side yard with a 10’ minimum setback required.

Amend Article 11, Section 11.04, subsection D parts 1, 2 and 3 as follows:

1. Minimum Lot Area: 15,000 sf or previously platted Lot of record.
2. Minimum Lot Frontage and Lot Width: 80 feet or previously platted Lot of record.
3. Yard and Setback Requirements:
  - a) **Front (street) Setback:** 25 feet
  - b) **Rear Setback:** 10 feet
  - c) **Side Setback:** one side – minimum 5 feet; combined two sides minimum 15 feet.

### Amendment 2013-04

Amend Article 2, Section 2.02, to add the following definitions:

**Wine:** The product made by the normal alcoholic fermentation of the juice of grapes or any other fruit with the usual cellar treatment, and containing not more than 21% of alcohol by volume, including fermented fruit juices other than grapes and mixed wine drinks.

**Wine Related Beverages:** Fortified wines, wine brandy and mixed wine drinks.

**Wine Drink, Mixed:** A drink or similar product containing less than 7% alcohol by volume, consisting of wine and plain, sparkling, or carbonated water, and containing any one or more of the following:

1. Non-alcoholic beverages
2. Flavoring
3. Coloring materials
4. Fruit juices
5. Fruit adjuncts
6. Sugar
7. Carbon dioxide
8. Preservatives

**Wine–Fortified:** Wine with brandy or wine spirits added as permitted by law.

**Winery:** A state-licensed facility where agricultural fruit production is maintained; juice is processed into wine; and sold at wholesale or retail to the public with or without the use of a wine tasting facility.

Amend Article 18, Section 18.25, as follows:

**Section 18.25 WINERIES**

Wineries and Cideries are welcomed by Leland Township as appropriate farm activities. All further references to Wineries in this section shall include Cideries. It is the intent of this section to promote local agriculture production by allowing construction of a winery with tasting room and retail sale of winery products in the agricultural district subject to this ordinance. It is also the intent of this section to encourage the growing of wine fruit and production of wine as an integral component of the rural and agricultural ambiance of Leland Township, and to maintain the viability of fruit farming through value-added processing and direct sales of wine and wine-related beverages made from locally grown fruit.

- A.** Wineries and/or vineyards, with associated on-site tasting rooms in the AC district, are permitted, provided:
1. The winery is licensed by the U.S. Treasury, Bureau of Alcohol Tobacco & Firearms; and the Michigan Liquor Control Commission (MLCC), and is in compliance with the regulations of the Michigan Liquor Control Commission, the Michigan Department of Agriculture, and the Michigan Department of Environmental Quality.
  2. The winery shall have minimum area planted in fruit maintained pursuant to applicable generally accepted agricultural and management practices (GAAMPs) within Leland Township and within Leelanau County (including the Leland Township acreage) according to the following schedule:

Annual production in cases	Leland Twp. acreage	Leelanau County acreage (including Leland Township)
Up to 4,999	1 acre	1 acre
5,000 to 9,999	3 acres	3 acres
10,000-24,999	4 acres	10 acres
25,000 to 49,999	5 acres	15 acres
50,000 to 99,999	15 acres	25 acres
100,000 to 199,999	25 acres	50 acres
200,000 or greater	100 acres	200 acres

3. The above-ground portion of any individual building shall not be greater than 20,000 square feet.
  4. All winery buildings shall be set back at least 50 feet from any lot line. If the winery building is open to the public, that building shall be set back at least 100 feet from any lot line. To encourage the use of existing buildings, the setback requirements may be reduced to the standards of the applicable district, subject to site plan review.
  5. Retail sales and food service are clearly accessory to production of wine.
  6. Standards for Wineries:
    - a. Parking shall be provided, per Article 21.
    - b. All lighting shall meet the lighting standards as outlined in Section 24.07 of the Leland Township Zoning Ordinance.
    - c. All signs shall meet the sign standards as outlined in Article 22 of the Leland Township Zoning Ordinance.
- B.** Approval Process for Wineries: Site Plan Review is required, except a Special Land Use (SLU) approval is required if the total land area covered by buildings and structures used for wine processing, storage, sales, food service and special events exceeds thirty thousand (30,000) square feet. A SLU approval can cover all special events for up to two (2) years, provided the conditions of the special event(s) and associated activities do not exceed that which was approved, and the Zoning Administrator shall have the authority to grant one two-year extension, after which the applicant must reapply for a Planning Commission Site Plan approval to conduct such special events.
1. Special Events and Activities—Activities associated with the promotion of agriculture and education may be permitted. Such activities are not by right and are secondary to the agricultural function. Typical activities are wine appreciation/education seminars, nonprofit benefits, weddings, wine and catered food events, seasonal natural events (mushroom hunts), vineyard harvest festivals, receptions, parties, picnics, barn dances, educational conferences, and agricultural research. Outside activities must be completed by

11 p.m. unless otherwise authorized by the Planning Commission. These activities may be permitted provided:

- a. Special events and activities are limited to wineries with a minimum parcel size of forty (40) acres.
- b. Parking areas shall be off-road, forty (40) feet from all lot lines, and appropriately screened from neighboring property. Light sources shall be directed downwards and shielded to prevent light being directed off the premises.
- c. The operator must have a written statement from the Health Department indicating the maximum number of persons who can be accommodated with existing toilet facilities, and additional portable toilets must be provided for any guests exceeding the aforementioned number.
- d. Hours of operation shall be reviewed and set as a part of the site plan approval.
- e. Any music or entertainment provided for the activity must be for background purposes and not a featured item of the activity. Sound amplifiers are permitted as determined in site plan review.
- f. Special land use must be approved by the Planning Commission following a public hearing. The following information must be provided in addition to information required for special land use approval.
  - 1) Location of temporary toilet facilities, which may be required.
  - 2) A written description of the planned activities including:
    - a) Type of gathering.
    - b) Frequency and number of activities proposed in a calendar year.
    - c) Maximum number of guests for any activity.

2. Additional Site Plan Review Standards:

- a. The Planning Commission shall review the site plan for conformance with the standards of the zoning district in which it is located; and shall establish that the following standards have been satisfied:
  - 1) The size of the function and the number of expected guests on the property at one time shall be determined at the sole discretion of the Planning Commission based on parcel size, proximity to adjacent neighbors and the ability of the applicant to demonstrate that there will be no adverse impact on the neighbors from the noise, traffic, trespass, light or other impacts deemed relevant by the Planning Commission.
  - 2) There is adequate provision for parking of vehicles so that there is no parking on public roads, and adequate setbacks from adjacent properties are maintained. Temporary parking areas may be approved at the sole discretion of the Planning Commission.
  - 3) The location and amount of time prior to an event for erection of temporary structures which are allowed and time for removal after the event, may be approved at the sole discretion of the Planning Commission.
  - 4) The Planning Commission shall require a planted buffer between adjacent properties and parking or building if it is determined that such a buffer is necessary to avoid adverse impacts on adjacent properties.
- b. Any activities other than those included in the original approval must obtain a separate additional approval by the Planning Commission. The scope of the additional review will be determined by the Planning Commission at a preliminary hearing.

C. Off-Site Wine Tasting Room in a Commercial District associated with a winery located in Leelanau County are permitted, provided:

1. The off-site winery tasting room is licensed by the U.S. Treasury, Bureau of Alcohol, Tobacco & Firearms; and the Michigan Liquor Control Commission, and is in compliance with the regulations of the MLCC, the Michigan Department of Agriculture, and the Michigan Department of Environmental Quality.
2. The winery shall own or lease a minimum of four planted acres in Leelanau County of fruit maintained pursuant to applicable generally accepted agricultural and management practices (GAAMPs).
3. The winery shall use a minimum of twenty-five (25) percent locally grown (from Leelanau County) fruit.
4. Food service is clearly accessory to retail sale of wine, per MLCC regulations.
5. Standards for off-site winery tasting room:
  - a. Parking shall be provided.

- b. All lighting shall meet the lighting standards as outlined in Section 24.07 of the Leland Township Zoning Ordinance.
  - c. All signs shall meet the sign standards as outlined in Article 22 of the Leland Township Zoning Ordinance.
6. Special events are permitted subject to applicable district regulations in the Village Commercial District (C-1).

**Amendment 2013-05**

Amend Zoning District Map (referenced in Article 9, Section 9.02) in its entirety per the map on the following page.

# Leland Township Zoning Map



**ZONING DISTRICTS**

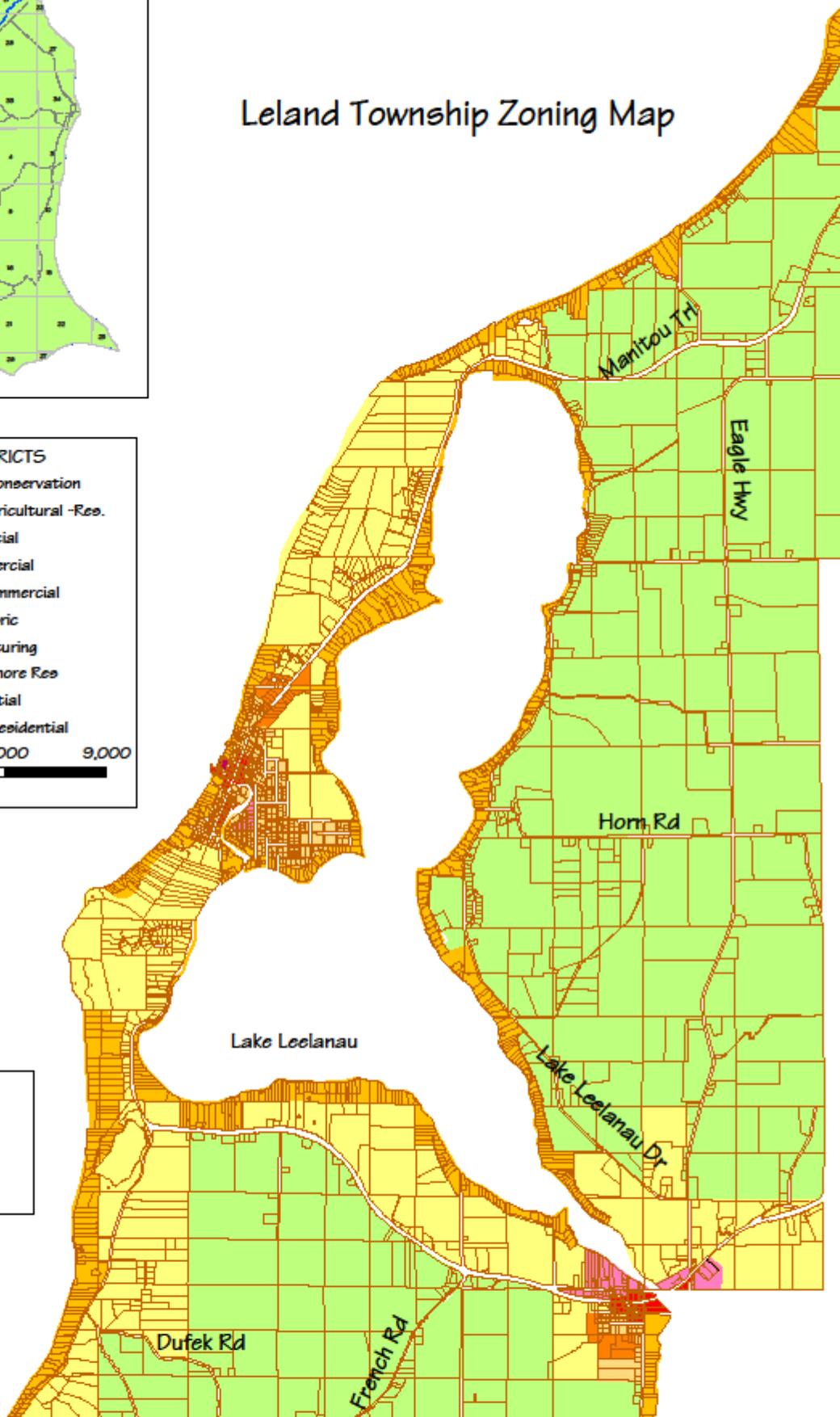
- A/C Agricultural Conservation
- AR Low Density Agricultural -Res.
- C-1 Village Commercial
- C-2 General Commercial
- C-3 Waterfront Commercial
- C-4 Fishtown Historic
- M-1 Light Manufacturing
- R-1 Med Den Lakeshore Res
- R-2 Village Residential
- R-3 High Density Residential

0 3,000 6,000 9,000

Feet

Adopted: \_\_\_\_\_  
Effective: \_\_\_\_\_

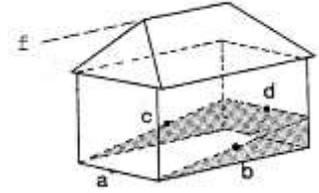
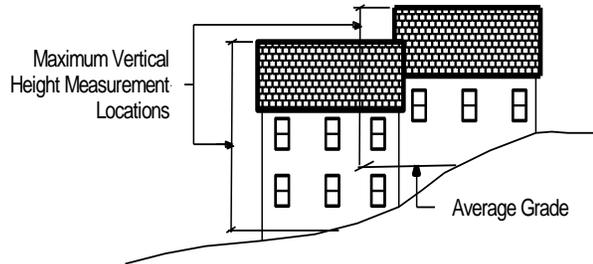
Jane M. Keen, Leland Township Clerk



## Amendment 2013-06

### Section 2.02 of Article 2—Amended Definitions:

**Building Height:** The vertical distance from the peak of the roof to the average finished grade. When the terrain is sloping, the height shall be computed using the average finished grade measured at the building wall on all four sides (see Figure at right). No portion of the structure's roof may exceed the maximum height allowed in the specific district regulations. As illustrated below, buildings may be "stair-stepped" up and down slopes. The building height shall be calculated for each "stair-stepped" portion separately.



a, b, c, d = average finished grade on each building wall

Average Finished Grade (entire building):  
 $(a+b+c+d)/4 = e$

Height = f (elevation at peak) – e (average grade)

**Building Lines:** See Setback.

**Setback:** The minimum distance from the lot line within which no buildings or structures, including overhangs, may be placed, except as otherwise provided in this ordinance.

1. **Front:** Minimum distance, extending the full lot width, between the principal building and the front lot line.
2. **Rear:** The minimum required distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.
3. **Side:** The minimum required distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.

**Structure:** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground. Sidewalks and at-grade patios shall not be considered as "structures," but must comply with all applicable standards of this ordinance.

**Variance:** A modification of the literal provisions of the Zoning Ordinance which the Zoning Board of Appeals is permitted to grant, upon making certain required findings, including but not limited to, when strict enforcement of said provision would cause practical difficulty or undue hardship owing to circumstances unique to the individual property on which the variance is sought and not the result of the actions of the applicant or a previous property owner.

**Water's Edge:** The contour line 582.3 feet above mean sea level with respect to lands abutting Lake Michigan, including the bays and harbors thereof, and the "ordinary high water mark" as defined and interpreted by the State of Michigan, Department of Environmental Quality or successor agency with respect to lands abutting all other lakes and streams in the township, except on water bodies with a court established level.

**Yard:** A space open to the sky between a building and the lot lines of the parcel of land on which located, unoccupied or unobstructed by an encroachment or structure, including overhangs, except as otherwise provided by this Ordinance.

1. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building. There shall be maintained a front yard on each street side of a corner lot, until the property owner (or previous owner) has designated a Front Yard (per Section 9.10 footnote s).
2. **Rear Yard:** A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the structure of the principal building. In the case of corner lots, there shall only be one rear yard, which shall be determined by the owner.
3. **Side Yard:** A yard between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line

to the nearest point of the structure of the principal building.

**Section 2.02 of Article 2—Added Definitions:**

**Appearance Ticket:** See Municipal Civil Infraction Citation.

**Average:** For the purpose of this ordinance, the term "average" will be an arithmetic mean.

**Hazardous Substance:** A substance or material, as specified by a regulatory agency, that by reason of its toxic, caustic, corrosive, abrasive, or other physical or chemical characteristics may pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported disposed of, or otherwise managed.

**Municipal Civil Infraction Citation:** A written complaint prepared by an authorized Leland Township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

**Plot Plan:** The drawings and documents depicting and explaining all salient features of a proposed development which requires a land use permit but is not required to prepare a site plan in order to evaluate compliance with ordinance standards and requirements.

**Tasting Room:** A room in conjunction with a winery where tasting of wine, fruit wines, and nonalcoholic fruit juices takes place; and the retail sales of winery products, incidental retail sales of non-food items and packaged food items are allowed as provided herein.

**Amendment 2013-07**

**Article 2, Section 2.02: Amended Definition**

**Basement:** That portion of a building which is partly or wholly below finished grade.

**Article 9, Section 9.10:** Delete from the schedule of regulations chart the column with the heading of ‘stories’ pertaining to the maximum height.

**Article 11, Section 11.01.D.5:** Amended to read as follows:

5. **Maximum Height:** Thirty-five (35) feet, except that the maximum height of farm buildings and structures shall be one-hundred (100) feet. All farm buildings and structures over thirty-five (35) feet shall be set back from a lot line a distance at least equal to the height of the building.

**Article 11, Section 11.02.D.5:** Amended to read as follows:

5. **Maximum Height:** Thirty-five (35) feet.

**Article 11, Section 11.03.D.5:** Amended to read as follows:

5. **Maximum Height:** Thirty-five (35) feet.

**Article 11, Section 11.04.D.5:** Amended to read as follows:

5. **Maximum Height:** Thirty-five (35) feet.

**Article 11, Section 11.05.D.5:** Amended to read as follows:

5. **Maximum Height:** Thirty-five (35) feet.

**Article 12, Section 12.02.D.5:** Amended to read as follows:

5. **Maximum Height:** Forty (40) feet.

**Article 17, Section 17.01.H.6:** Amended to read as follows:

6. **Maximum Building Height:** Thirty-five (35) feet.

## **Amendment 2014-01**

**Article 2, Section 2.02:** Amend definition of “Change of Use” as follows:

**Change of Use:** A use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this Ordinance, as amended.

**Article 6, Section 6.02.A.1, 2 and 3:** Amended as follows:

1. All new uses by right within any commercial or industrial zoning district, excluding single family dwellings.
2. All uses by right, excluding single family dwellings, where one or more of the following conditions exist:
  - a. The site exceeds slopes of twenty-four (24) percent.
  - b. The proposed development will require the removal of trees at a rate of more than twelve (12) trees in excess of ten (10) inches in trunk diameter, measured five (5) feet from the ground, per acre of land to be disturbed by the development due to construction activities or improvements, including grading.
  - c. The proposed development is required to meet the provisions of one or more of the following:
    - 1) Michigan Wetlands Protection Act, P.A. 203 of 1979, as amended.
    - 2) Shorelands Protection and Management Act, P.A. 245 of 1970, as amended.
    - 3) Michigan Sand Dunes Protection and Management Act, P.A. 222 of 1976, as amended.
  - d. The site is characterized by unique conditions which, in the opinion of the Zoning Administrator or Planning Commission, requires special review including, but not limited to rare or valuable ecosystems and archeological sites and historical areas.
3. All special land uses, as specified in each zoning district, including planned unit developments, whether a new development or a change of use, except as otherwise specified by this Ordinance.

**Article 6, Section 6.02.B:** Amended as follows:

- B. **Zoning Administrator Approval for Plot Plans:** Plot Plan approval is required by the Zoning Administrator, prior to the issuance of a Land Use Permit, for all other uses not listed in Section 6.02 (A)(1-6) above, including any change of permitted use meeting the minor change criteria. The Zoning Administrator shall review such plans in accordance with the same procedures, requirements, and standards used by the Planning Commission as specified in Section 6.05.

**Article 6, Section 6.04.A:** Amended as follows:

- A. **Submittal and Distribution of Site Plans:** The applicant shall consult with the Zoning Administrator prior to submitting an application to review the process and determine if any additional agencies will need to review the proposed site plan. Prior to submitting an application to the Zoning Administrator, the applicant shall submit a copy of the proposed site plan and relevant supplemental information to each of the following entities for comment:

1. Fire Department
2. County Road Commission.
3. District Health Department.
4. County Drain Commissioner.
5. County Construction Code office
6. Other agencies as may be relevant, including the Department of Natural Resources and the Natural Resources Conservation Service.

Three (3) copies of the application, site plan, and agency comments shall be submitted to the Zoning Administrator. The Planning Commission Chair (or designated agent(s) and/or consultants) and Zoning Administrator shall review the application and site plans for completeness and if such application or plans are not complete according to Section 6.03(B), a written notice shall be provided identifying the inadequacies of the plans and any additional information required. Once the application submittal materials are determined to be complete, an additional ten hard copies and one electronic copy of all application materials shall be submitted to the Zoning Administrator.

**Article 6, Section 6.08.A:** Amended as follows:

- A. Amendment to the Site Plan:** No changes shall be made to an approved Site Plan prior to or during construction except upon mutual agreement between the applicant and the Township or Zoning Administrator according to the following procedures;
1. **Major Changes:** Major changes or amendments to an approved Site Plan involving changes that significantly alter the approved design or layout and/or the intensity or impact due to change is likely to be greater than that which was originally approved. Major changes shall include changes in the location or extent of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls if such changes will impact the original approval standards or conditions or approval, or negatively impact neighboring properties; the number and location of accesses to public streets and alleys; a reduction in the number of parking spaces; an increase in the gross floor area or heights of buildings; a reduction in the open space; and similar major changes, shall require the approval of the Planning Commission, in the same manner as the original application was submitted, reviewed, and approved and subject to the finding of all of the following:
    - a. Such changes will not adversely affect the initial basis for granting approval;
    - b. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this Article; and
    - c. Such changes shall not result in the reduction of open space area as required herein.  
Minor changes to an approved Site Plan upon which the Zoning Administrator defers judgment to the Planning Commission, shall be treated as a major change.
  2. **Minor Changes:** Minor changes to an approved Site Plan (including a Site Plan associated with a Special Land Use approval) which still meet all Zoning Ordinance requirements and the conditions of the original approval, in addition to not meeting the major change criteria listed in 6.08.A.1 above, may be approved by the Zoning Administrator. The Zoning Administrator may at his or her discretion request the Planning Commission to review the proposed minor change.
  3. **Deferred to PC:** Changes to an approved Site Plan, which do not technically meet the requirements for a major change, but which the Zoning Administrator at his or her discretion has deferred to the Planning Commission for review shall be reviewed under the process for a site plan review for a permitted use.

**Article 7, Section 7.06.B:** Amended as follows:

- A. Use or Activity:** A change in the character of the use or activity from what the originally approved Land Use Permit for special land use authorized shall not occur until such change is applied for and approved according to the application and review procedures of this Article and all other applicable sections of this Ordinance. The Zoning Administrator shall review all change of use applications and determine if the proposed change is major or minor, based on the following:

**Minor Change of Use:** A proposed use which shall be 1) of equal or less impact than the existing approved use, in consideration of access/traffic, parking requirements and noise; 2) a permitted use in the applicable zoning district or a Special Land Use utilizing an existing structure with no exterior changes.

**Major Change of Use:** A proposed use for which any of the following apply: 1) special land use or permitted use which requires increased parking, not already provided, or will be an expansion or an increase in the intensity of the use; 2) additional supplemental standards apply to the proposed use; 3) building size will be increased and/or site will be redesigned to accommodate proposed use; 4) the property size is changed in combination with the proposed change of use, such that property change impacts the proposed use meeting the requirements of this Ordinance and/or the original conditions of approval;

Minor change of use and major change of use shall be reviewed for approval in accordance with the provisions of Section 6.08.A.

## Amendment 2014-02

**Article 18, Section 18.25, subsection B.1.a:** Amended as follows:

- a. Special events and activities are limited to wineries with a minimum parcel size of twenty (20) acres.

**Article 18, Section 18.25:** Amended as follows:

- D. Small Gatherings/Events at Wineries: Small gatherings or events for a limited number of people at previously approved or grandfathered wineries and/or tasting rooms in the AC, AR or C-1 zoning districts regardless of size, shall be allowed by right, without a separate site plan approval, provided the following conditions are met:
  1. Small gatherings or events shall not exceed 100 guests.
  2. Any outside activity associated with a small gathering event shall conclude by 10:30pm.
  3. Any music or entertainment shall be limited to acoustic or for background purposes, not the featured activity.
  4. Adequate parking shall be provided to accommodate the guests of any small gathering event, and shall be located a minimum of 40 feet from the lot lines and screened from the neighboring property.
  5. Any additional lighting shall be directed downward and shielded to prevent light from being directed off the premises.
  6. Winery operator shall obtain a written statement from the health department indicating the maximum number of persons accommodated with the existing toilet facilities, and shall be responsible for providing portable toilets for guests in excess of the stated number for small gatherings or events.
  7. Winery operator shall obtain a written statement from County Road Commission or Michigan Department of Transportation, whichever agency is applicable, regarding the adequacy of the access as related to hosting small gatherings/events.

## Amendment 2015-01

**Article 2, Section 2.02**—Amended to add:

**Boathouse:** An accessory structure for the sole purpose of mooring and storing watercraft and related equipment, located at the water's edge with a boat well or other means of direct water access, such as via a track or other mechanical means.

**Article 18, Section 18.08**—Amended as follows:

### **Section 18.08 ACCESSORY USES, BUILDINGS, AND STRUCTURES**

Accessory buildings, structures and uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations, except as provided in Section 18.27 Boathouses.

**A. Attached:** An accessory building, including carports which are attached to the principal building, shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered habitable floor area.

**B. Separation Distance:** An accessory building or structure, unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to any other structure on the lot.

**C. Placement:** Except for fences and boathouses, accessory buildings and structures are subject to all side yard setback requirements of the District in which it is located, shall be no closer than ten (10) feet to any rear lot line, and shall not be located in any front yard.

1. Accessory buildings and structures on waterfront lots shall be set back twenty-five (25) feet from the water's edge in C-1 and C-2 Districts and set back forty (40) feet from the water's edge in all other Districts. Accessory buildings and structures on lakefront lots shall be set back a minimum of fifteen (15) feet from the rear lot line abutting a street or private road.

**D. Lot Coverage:** An accessory building or structure shall not occupy more than thirty (30) percent of the area of

any rear yard and in no instance shall the combination of a boathouse and accessory building or structure exceed fifty (50) percent of the ground floor area of the principal building, except that an accessory building or structure may occupy up to fifty (50) percent of the area of any rear yard if it is a nonconforming lot of record, and side and rear yard setbacks are still met. These regulations apply to all districts except A/C District and parcels over three (3) acres in size in the Agriculture/Residential (A/R) District. (Amendment 01-02)

**E. Height:** Detached accessory buildings, except Boathouses per Section 18.27, may be constructed to a height of twenty-five (25) feet in R1A, R1B, R2 and R3 zoning districts, and in all other districts the height of accessory buildings shall be permitted maximum height of structures in said district. This restriction shall not apply to agriculturally related accessory structures on parcels greater than twenty (20) acres in size, or accessory structures allowed by special land use approval. Walls and fences on residential lots shall not exceed a height of five (5) feet, except that a wall or fence placed within a front yard area shall not exceed a height of three (3) feet. (Amendment 04-02)

**F. Not Permitted Prior to a Principal Structure:** Accessory buildings and structures, including boathouses, shall not be erected on a lot or parcel in a Conservation, Residential or Commercial district prior to the establishment of a principal structure, except for agricultural buildings. Where two or more abutting lots are held under one ownership in a residentially zoned district, the owner may erect an accessory building on a lot separate from that one which the principal building is located, provided both lots are used as one with a single tax description.

**F. Habitation of Accessory Structures:** No garage, barn, boathouse, basement, or accessory buildings, except as provided in Section 18.26 Accessory Dwellings, whether fixed or portable, shall be used or occupied as a dwelling. Boathouses are strictly prohibited from including an accessory dwelling.

**Article 18, amended to add Section 18.27, as follows:**

**Section 18.27 BOATHOUSES**

Boathouses and other structures constructed solely for the purpose of storing or mooring vehicles intended for use upon the water body which the front yard abuts may be located within the front yard and need not comply with the front yard setback requirement of the District. The height of the a boathouse shall be measured from the water's edge, at the court ordered summer elevation, to the peak of the roof.

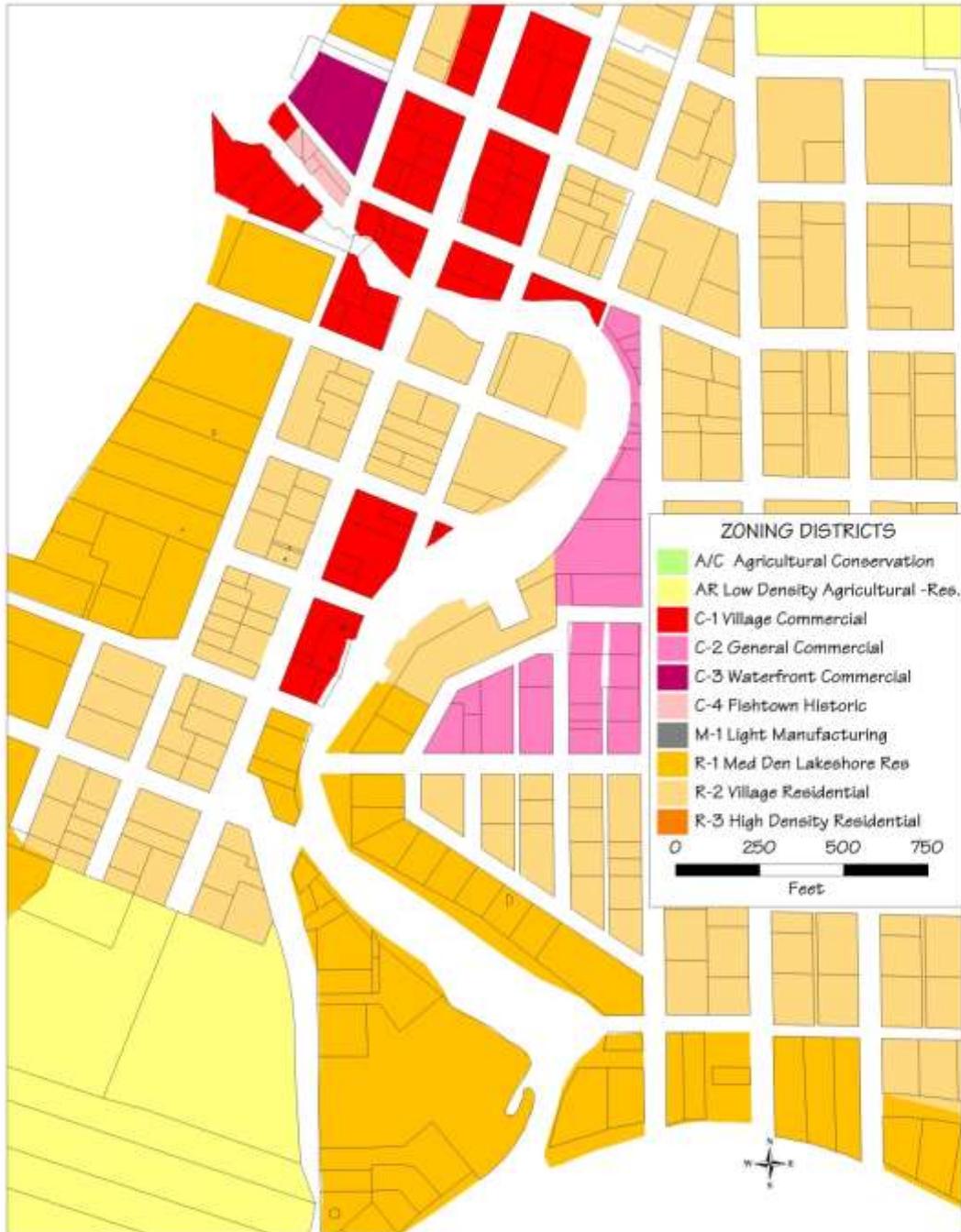
**A. Leland River Area Regulations**

In order to protect and preserve the unique existing character of the Leland River Area due in part to the environmental sensitivity and potential impacts of dredging, the historic character with smaller lots in this area and the mix of zoning districts, the more restrictive boathouse regulations apply as follows:

1. Area. For the purpose of the boathouse regulations, the Leland River Area shall be the area depicted on Map # 18.27A, as follows:

### Leland River Area- Map # 18.27A

For the purposes of the Section 18.27 of the Leland Township Zoning Ordinance, the Leland River Area shall consist of properties located with frontage on the Leland River.



2. Size and Height. Boathouses located in the Leland River Area shall be limited to one stall width and shall not exceed three hundred fifty (350) square feet. The roof shall have a pitch not less than 6/12 with a maximum structure height of seventeen (17) feet.
3. Placement. Boathouses located in the Leland River Area shall be set back at least fifteen (15) feet from the side lot line, as measured from the edge of the eave or dripline of the structure.

**B. Other Waterfront Areas**

All waterfront areas not included in the Leland River Area, per Map #18.27.A, boathouse placement and setbacks shall be governed by the applicable district regulations. Size and height limits for boathouse shall be the same as other accessory buildings per Section 18.08.

## **Amendment 2016-01**

**Article 3, Section 3.03.C.3**—Amended to:

Expiration of Permit: Any land use permit granted for a use not requiring a site plan under Section 17 shall become null and void after one year from the date of granting such land use permit unless the development proposed or activity authorized shall have passed its first building inspection by the County Building Inspector. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the land use permit application at least 10 days before such voidance is effective; provided however, that the Zoning Administrator may waive or extend the period of time in which the land use permit is to expire if the Zoning Administrator is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction. Recognizing that uses, development and/or activities requiring a site plan review and approval may face more complex or time-consuming issues in acquiring other permits or required environmental remediation measures prior to commencing with the development project, a land use permit issued shall be valid in accordance with the timetable approved by the Planning Commission as a part of the site plan approval process. The timetable shall take into account the complexity of the project. In no instance shall a land use permit issued following the approval of a site plan be valid for a period of time in excess of the period of time established by the Planning Commission unless substantial activity has taken place in regard to the issuance of the land use permit. Substantial activity shall be defined in the findings of fact by the Planning Commission. The Zoning Administrator shall annually review progress on projects for which the land use permit is valid for a time period of longer than one year. The Zoning Administrator shall report the findings to the Planning Commission. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the land use permit application at least 10 days before such voidance is effective, provided however, that the original approving body may waive or extend the period of time in which the land use permit is to expire if it is satisfied that the applicant is maintaining a good faith intention to proceed with construction. Should the Planning Commission determine that a project is not progressing per the agreed-upon timeline as established by the applicant and approved by the Planning Commission, the Commission may take action to revoke the land use permit. The land use permit may be renewable upon reapplication and upon payment of the original fee, subject to the provisions of all ordinances in effect at the time of renewal.

**Article 3, Section 3.03.C.4**—Amended to:

Revocation. The Zoning Administrator shall have the power to revoke or cancel any Land Use Permit issued for a use for which a site plan is not required. The revocation or cancellation shall be based upon a failure or neglect to comply with any provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application. The applicant shall be notified of such revocation in writing. Revocation of a permit issued for a use subject to a site plan approval or a variance shall not occur until a hearing has been held by the body having granted the approval, with a finding being made by that body to authorize the revocation of the permit. Upon such revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said land use permit. Following a decision by the approving body to

revoke the land use permit approval, the Zoning Administrator shall issue a stop work order. Failure to terminate the use for which the land use permit was revoked, other than for the purpose of correcting the violation, is declared to be a nuisance per se and a violation of this Ordinance. In projects for which a performance guarantee or bond has been posted, the guarantee or performance bond may be used at the discretion of the Township to restore the site to a safe condition.

**Article 7, Section 7.04**—Amended to:

Appeals. With regard to Special Land Uses and Planned Unit Development approval decisions, an appeal may be taken to the Zoning Board of Appeals in the manner of other administrative decisions. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any decision by the Planning Commission, or to decide in favor of the applicant. The appeal may be filed by any person aggrieved or by any officer, department, board or bureau of the Township, County, or State. The Zoning Board of Appeals shall state the grounds for each determination. An appeal on a Zoning Board of Appeals decision may be taken to Circuit Court.

**Article 16, Section 16.23**—Amended to:

Section 16.23 Shooting Ranges

- A. Minimum lot areas for an outdoor shooting range shall be 120 acres.
- B. Minimum front, side and rear yard setbacks shall be 1,000 feet.
- C. A site plan for an outdoor range shall be submitted to the Planning Commission clearly indicating all safety provisions to assure that any ammunition fired within the confines of a shooting range shall not carry into or over an adjacent district or area.
- D. Rifle and pistol ranges shall have adequate backstops that meet industry standards, and to the extent feasible, shots will be fired into a wall, earth berm, and/or similarly effective backstops approved by the Planning Commission.
- E. A fence with attached warning signs shall be provided around the entire property to assure that individuals will not unknowingly trespass on the property.
- F. Hours of operation on Monday through Saturday shall be between 9 a.m. and 8 p.m. or one-half hour prior to sunset, whichever is earlier. Hours on Sunday shall begin no earlier than noon and shall end no later than 6 p.m. or one-half hour prior to sunset, whichever is earlier.
- G. Ammunition recovery shall be required by the range owner, unless a system designed to eliminate the need for recovery is provided. Soil testing to monitor lead levels shall be conducted at the expense of the range owner a minimum of once every five years. These soil tests shall be conducted by an engineering or environmental firm experienced in this field. The soil tests must demonstrate that the lead and other metal contaminate levels are below applicable State of Michigan and Federal standards. Should these tests indicate the contaminate levels exceed State and/or Federal standards, a remediation plan shall be developed and implemented by the range owner. Soil testing reports and, if necessary, remediation plans and progress reports from ranges exceeding permitted contamination levels shall be submitted to both the range owner and the Zoning Administrator upon completion. Should the contamination levels exceed State of Michigan and/or Federal standards, all use of the facility shall cease until soil testing following remediation indicates the contaminate levels are within State and Federal allowed levels.
- H. The active shooting area for rifles and pistols shall be located a minimum of 10 feet below the naturally occurring surrounding terrain for the purposes of public safety and noise suppression. The discharge of shotguns shall be permitted at the naturally occurring ground level.
- I. A minimum of a 100-foot vegetative buffer, either naturally occurring or planted, shall exist around the active shooting area. This buffer shall consist of native coniferous trees and shrubs, including but not limited to a mixture of pine, spruce, firs, junipers, yews, and cedars. The site plan shall include a timetable for removal of hardwood trees (deciduous) and replacement with the coniferous trees specified above within 100-foot vegetative buffer. The vegetative buffer is for the purpose of public safety and noise suppression.

**Article 17, Section 17.01.J.1**—Amended to:

Section 17.01 J. 1. Scheduled Phasing: When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the

health, safety and welfare of the users of the open space development and the residents of the surrounding area. The timing for the beginning and completion of each phase of a use, development or activity shall be proposed by the applicant, modified as necessary, and approved by the Planning Commission. Projects which require phasing shall contain easily identifiable completion of activities or construction as stated in the approved finding of facts, to allow the Township to verify that the agreed-upon timetable is being met.

**Article 18, Section 18.05 Amphibious Aircraft**—Delete and change title to “Reserved for Future Use.”

**Article 24, Section 24.10.A and 24.10.A.1 Sensitive Lands**—Amended to:

- A. Where a portion of a parcel may be characterized as an environmentally sensitive areas such as floodplains, dune formations, steep slopes and/or shoreline area, new development on the parcel shall occur on those portions of the parcel void of such sensitive resources where reasonably feasible as determined by the appropriate regulatory authority. The following standards shall be met:
1. Shorelines and floodplains
    - a. No buildings shall be built in the 100-year floodplain, as established by the U.S. Army Corps of Engineers or the Michigan Department of Environmental Quality, unless the lowest floor and the heating and electrical systems are located four feet above the level of the established floodplain. Such elevation may not be achieved through filling, but may be achieved through the use of stilts, lifts, pilings, or other suitable means provided all applicable regulations of this Ordinance are met. No construction of any on-site sewage disposal system, or digging or drilling of well or other domestic water supply sources, is permitted in the floodplain.
    - b. A natural vegetation strip established from the water’s edge to a distance of 40 feet inland shall be established and maintained and shall not be used for the dumping or storage of unsightly, offensive, or potentially polluting materials including compost piles, grass cuttings, leaves, garbage, trash, refuse, junk cars or appliances, or toxic materials.
      - (1) Natural shrubbery, trees, or other vegetation shall be preserved, as far as practical, and where removed, shall be replaced with other naturally occurring native vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty. A mowed lawn is not a desirable vegetation strip adjacent to a shoreline. Native vegetation shall be used when new vegetation is planted.
      - (2) Existing soil and organic matter shall not be altered or disturbed within the natural vegetation strip.
      - (3) No structure shall be permitted within the natural vegetation strip except for docks, boat ramps, boat houses, pump houses, elevated walkways, and previously constructed at-grade walkways.
      - (4) Removal of vegetation in the natural vegetation strip shall be limited to no more than 30 percent of the length of this strip clear cut to the depth of the strip, provided that cutting of this 30 percent shall not create a clear cut opening in the strip greater than 25 feet wide in every 100 feet of shoreline.
    - c. The following uses of land adjacent to a lake, river or stream shall be set back 40 feet from the water’s edge, except where such uses are of a commercial nature in a Commercial District, in which case the setback shall be 25 feet.
      - (1) Principal structures.
      - (2) Parking lots or parking areas.
      - (3) Roads, driveways or recreation trails, unless the Planning Commission determines that no alternatives exist, provided they be designed in a manner to minimize adverse impacts.
    - d. One small deck platform (not to exceed 220 square feet in area) shall be allowed within 40 feet of a lake, river or stream, in the cleared strip allowed in 1.b. above. A walkway including steps not exceeding five feet in width shall be allowed within the clear cut strip provided for in c.(3) to allow access to the water’s edge, deck platform, dockage and permitted structures on the property.

## Amendment 2016-02

### Section 12.04.C.4 (Fishtown Historic District) amended to read as follows:

#### A. Intent

The Fishtown Historic District (hereinafter referred to as the “District”) is intended to:

1. Preserve the historical integrity of Leland’ Fishtown area and ensure that it continues as a publicly accessible and authentic connection to local and regional history, Great Lakes commercial fishing, and maritime traditions and experiences;
2. Provide flexibility for the restoration, construction, and relocation of structures, for limited development, in part, and for changes in use within the District to the extent and on the conditions set forth in this Section.

#### B. Boundaries, Ownership, and Control

The boundaries of the District are set forth in the following diagram:

[Boundary diagram attached hereto as Exhibit A.]

The properties within the District are owned by Fishtown Preservation Society, Inc. a Michigan nonprofit corporation designated by the Internal Revenue Service as a 501(c)(3) organization (hereinafter referred to as “FPS”). FPS shall have sole responsibility and authority for the management of the District in conformity with this Section. FPS shall give notice to the Zoning Administrator of any transfer of ownership or control of property within the District.

#### C. Uses Permitted

The Uses permitted by right within the District are: historic preservation and restoration, public education, waterfront access, commercial fishing, public angling, charter boat operations, commercial retail and service operations, artisan activities, fishing-related operations, fish processing, research and educational activities, public gatherings, mixed uses and with respect to the property at 206 West Cedar Street (only), a single family dwelling (including short-term rentals), and administrative activities related to the foregoing. Changes in use for a particular structure or area shall be permitted without further approval provided the change is to another use permitted by right and notice thereof is given to the Zoning Administrator.

Changes within the District that would otherwise require a Land Use Permit under the provisions of Section 3.03 A. of this Ordinance shall be subject to review by the Leland Township Zoning Administrator. The Zoning Administrator shall approve any change that is consistent with the “Design Guidelines” set forth on pages 27 through 32 of the Fishtown Site Study, Design and Master Plan (January 2009) (hereinafter referred to as the “Design Guidelines”), as recorded with the Leelanau County Register of Deeds and attached hereto as Exhibit B. If the Zoning Administrator shall find that a proposed change is not consistent with the Design Guidelines, and the issues are not resolved following consultation with FPS, then the change shall require review and approval by the Leland Township Planning Commission under the standards for special land uses set forth in Section 16.01 of the Ordinance.

#### D. Dimensional Standards

The following dimensional standards shall apply to improvements within the District:

1. Alley setback 0’ min. north side of river / 5’ min. south side river
2. Off-street parking 0 spaces north side of river / number of spaces on south side of river per Section 21.03 as of January 1, 2017
3. Building height 7’ min. – 35’ max.
4. Property line setbacks 0’ north side of river / 5’ south side of river
5. Water’s edge No closer than any structure within the District as of December 31, 2009
6. Percent lot coverage Maximum of 80% of the District area

#### E. Additional Standards

1. Right-of -Way. Changes in the use of the West River Street right-of-way are subject to review and approval by the Leelanau County Road Commission.
2. Utilities. New utility lines shall be located below grade. Any changes in the utility infrastructure shall be subject to review and approval by the Zoning Administrator and subject to all relevant county and state permitting requirements.

3. Site Drainage. The placement of any new buildings or building to be relocated shall be subject to review by the Drain Commissioner and the Soil Erosion Control Officer.
4. Pedestrian Circulation. Changes in the pedestrian circulation systems shall be isolated from the vehicular circulation system to the greatest extent possible and subject to review by the Zoning Administrator.
5. Signage. Signage within the District shall be within the control of FPS and consistent with the Design Guidelines. Educational and interpretive signage and other materials shall be allowed at the discretion of the FPS. One freestanding sign externally directed such as an entrance sign, not exceeding thirty-two (32) square feet and not internally illuminated or having any visible moving, revolving or flashing components, shall be permitted subject to review and approval by the Zoning Administrator.
6. Nonconforming Uses and Nonconforming Buildings. Nonconforming Uses and Nonconforming Buildings, as defined in this Ordinance, may continue until they are removed by FPS. Any Nonconforming Building that is damaged by fire or act of nature may be reconstructed on the original building footprint and within its original spatial envelop. Any building relocated within the District shall be reviewed by the Zoning Administrator and approved by the Planning Commission.